

104

S. HRG. 104-787

INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT

Y 4. IN 2/11: S. HRG. 104-787

Indian Child Protection and Family...

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

THE IMPLEMENTATION OF THE INDIAN CHILD PROTECTION AND
FAMILY VIOLENCE PREVENTION ACT

DECEMBER 16, 1996
TEMPE, AZ



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INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT

MONDAY, DECEMBER 16, 1996

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Tempe, AZ

The committee met, pursuant to notice, at 9:30 a.m. in the Tempe City Council Chambers, 31 East 5th Street, Tempe, AZ, Hon. John McCain (chairman of the committee) presiding.

Present: Senator McCain.

STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA, CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. Good morning. I would like to welcome all the witnesses here today, and I would like to thank the city of Tempe for allowing us to use this very nice facility to hold this hearing.

I would like to welcome the witnesses who are here today to testify before the committee on the implementation of the Indian Child Protection and Family Violence Prevention Act. I am particularly interested in hearing testimony from the tribal representatives about whether there has been any progress in addressing this tragic problem.

It has been 6 years since Congress enacted a law protecting Indian children from physical and sexual abuse. Since its enactment, we have yet to see the Federal Government provide the resources necessary to develop adequate prevention and treatment programs for the young victims of physical and sexual abuse on Indian reservations. I am concerned that in their efforts to implement this important legislation, these Federal agencies, BIA, IHS, and the Justice Department, have all forgotten about the importance of proper counseling and treatment for the victims of physical and sexual abuse.

Although there have been considerable efforts made on background investigations of persons employed in positions of contact with Indian children, some Federal officials still fail to see the importance of these investigations. There are many professionals in the IHS and BIA who still do not seem to recognize that they have an obligation, both legal and moral, to make timely reports of allegations of child abuse and neglect.

I am particularly troubled by recent press accounts of incidents in the IHS where the administration failed to act in a timely and responsible way when presented with allegations of sexual misconduct and abuse of an Indian youth by an IHS physician. The ac-

tions of administrators as described in these press accounts are reminiscent of the earlier cases of sexual abuse of Indian children in BIA schools. I am concerned that despite all our efforts and work of many committed individuals to address the problem of child abuse in Indian country, the Federal bureaucracy has not made a similar commitment to protect Indian children from abuse and violence through timely reporting and investigations of allegations of abuse.

I think we all agree that greater efforts must be made to ensure that Indian children enjoy the same level of protection from abuse and violence that is provided to all other children in our nation. Congress must join in these efforts by providing the funds necessary to properly implement a child abuse and treatment program on every Indian reservation.

It was more than seven years ago that we first held hearings on this issue in light of the tragic situation that happened up on the Hopi Reservation, and we have been involved in this for many years, including the passage of important legislation and continued oversight. And I will continue to be involved in this issue for as long as I am a member of the Indian Affairs Committee, which I hope is still some time to come.

The CHAIRMAN. I would like to welcome all our witnesses, as I said.

I would like to ask our first witness, Janet Napolitano, who is the U.S. attorney for the District of Arizona, to please come forward.

And welcome back, Ms. Napolitano. I know you have been heavily involved in this issue, and we have had numerous meetings and discussions and hearings on this issue in the past. We appreciate you being here today and we look forward to hearing your testimony. Welcome.

STATEMENT OF JANET NAPOLITANO, U.S. ATTORNEY FOR THE DISTRICT OF ARIZONA, PHOENIX, AZ, ACCOMPANIED BY MARY MURGUIA, DEPUTY CHIEF, CRIMINAL SECTION; AND DIANE HUMETEWA, STAFF MEMBER

Ms. NAPOLITANO. Thank you, Mr. Chairman.

My name is Janet Napolitano. I am the U.S. attorney for the District of Arizona.

With me today in a nontestimonial capacity are Mary Murguia, who is the Deputy Chief of our criminal section, which is the section in particular that handles the child sex abuse crimes, and Diane Humetewa, who we managed to lure away from your staff to join our staff.

The CHAIRMAN. Welcome to both of you.

Ms. NAPOLITANO. Senator McCain, in terms of the Indian Child Protection and Family Violence Protection Act, our role is somewhat different than I think some of the other agencies that are testifying here today, in that our office deals with the child sex abuse cases and family violence cases after the crime already has occurred. So that in terms of the actual text of the act, we have no direct comment.

But I do wish to join with you in saying that the provisions and the statutes for notice and background checks are things that not

only do we agree with, but we see a continuing need for based on the cases that are coming out of Indian country in Arizona.

In my written testimony, I have laid out a number of facts and figures for you as well as some case scenarios arising from Arizona Indian country. Let me just highlight one, if I might.

In the year 1995, and this is the July 1 to July 1 year, so 1994-95, we had 69 fewer child sex abuse cases than we did in the 1995-96 year. So we had a substantial increase from 2 years ago to last year.

In terms of the causes for that, I think they are twofold. No. 1, the problem of child sex abuse has not gone away. It is going to require us to continue our efforts in this respect. But, No. 2, our office in conjunction with a number of the tribes have adopted a number of proactive measures to make the processing of these cases better and to make prosecution more accessible for cases that rise to the level of the major crimes act.

I have outlined in my written statement some of the proactive measures, but to briefly identify them, they include restructuring the Criminal Division of the U.S. attorney's office to create a specialized unit for these areas, designating an Assistant U.S. attorney to serve as a tribal liaison, and probably most importantly, aggressively pursuing a multidisciplinary team approach in the child sex abuse area. These are teams comprised of Assistant U.S. attorneys, tribal prosecutors, social workers, police department officers and the like, who meet regularly to discuss the child abuse cases occurring and what is being done about them.

Last, Senator, we are continuing to work in the victim witness area. We have two full-time victim witness counselors now who spend basically all of their time in this area; and we just have been allowed funds under the Violence Against Women Act—we call that VAWA—to hire another counselor for victims of family violence. We are one of only four U.S. attorney's offices in the country that got that initial counselor out of the VAWA funds.

Senator rather than repeat my statement, I will close with that, except for one thing, and that is to say that based on the cases we see, prevention is really the key here in breaking the cycle of child sex abuse because it is not uncommon at all that someone who is a defendant in one of our cases now 10 or 12 years ago was himself or herself a victim of child sex abuse. It does seem to continue from one generation to the next unless we interrupt and proactively intervene to break that cycle of violence.

Thank you. And I would be happy to answer any questions that you have.

[Prepared statement of Ms. Napolitano appears in appendix.]

The CHAIRMAN. Thank you very much, Ms. Napolitano.

You mentioned that the numbers that you are seeing are increasing. Could some of that be due to the fact that there is more exposure given to the problem, thereby causing more reporting? Or is it due to that in some cases—we are hearing about cases up on the Hopi Reservation where people who have been abused become abusers, or is it some combination of that, or what? What is your view from your experience as to what is causing this increase?

Ms. NAPOLITANO. I think there are several causes. No. 1, is the heightened public awareness and attention to this problem. I think the *Boone* case was a real watershed in that regard.

No. 2, I think that we have more tribal outreach and the tribes have taken a real leadership position of working with our office to make the prosecution of these crimes and the reporting of these crimes in a prosecutorial sense a priority in Indian country.

No. 3, there may indeed be some residual phenomenon of those who have been abused themselves becoming abusers.

The CHAIRMAN. Do you believe that in Indian country children have the same protections and access to help as they do in non-Indian country?

Ms. NAPOLITANO. If I understand your question, do I think that the same services are available as between Indian and non-Indian country? It is a difficult question to answer, and certainly they do not have as many as in some areas of the country. There may be other areas of the country, particularly rural areas, that suffer from under-service.

I think there is no lack of commitment among the people dealing with Indian country, but at times there is a lack of resources.

The CHAIRMAN. In the BIA's testimony they recommend the Department of Justice is the best equipped Federal agency to establish and administer a central registry of child sexual abuse offenders. As you know, President Clinton has talked about a registry for child sexual abuse offenders. Would you support the establishment of a central registry for Indian child abuse perpetrators in the Department of Justice?

Ms. NAPOLITANO. Yes, Senator; I think that is a good idea. And just speaking off the top of my head, it seems that the Department of Justice would be in a position to at least make sure that that is established appropriately.

The CHAIRMAN. Of the 24 cases declined for prosecution by your office, how many of these cases were prosecuted by the tribes themselves, do you know?

Ms. NAPOLITANO. I do not know, but I can get that information for you.

The CHAIRMAN. Maybe we could send you some questions in writing and you could respond to it.

Is there a problem with some of the Indian courts sentencing some of these offenders to too short of terms in prison?

Ms. NAPOLITANO. Well, yes; the tribal courts only have limited jurisdiction in terms of sentencing. They cannot impose a felony sentence. They do not have the jurisdiction to do that. And so when we look at the person who has inflicted bodily injury on a child or had sexual relations with a child, that is something we really take seriously.

In addition, one of the things that we do not have in many of the tribes, and I think some of their representatives may talk about them, are the full panoply of social services to deal with perpetrators at the beginning of the perpetration cycle, in addition to incarceration facilities. The phenomenon of adult victimization of children requires not only an incarceration and prosecution response, but also a social services response as well.

The CHAIRMAN. I know you are concerned about the increase in cases. First of all, I guess my first question is: Do you find that to be true throughout the country from your dealings with other U.S. attorneys from States like South Dakota and others, New Mexico?

And my second question is: What can we do about it?

Ms. NAPOLITANO. Well, I think that the other large Indian country jurisdictions, such as New Mexico and South Dakota, have had an increase in numbers. Whether that is due to the fact that we are just doing more in terms of outreach so that we are—and the problem is more visible so that we are doing more cases, or whether it is because there is a rise in the actual level of incidents is a distinction that we really cannot pinpoint for you.

What we can do about it are a number of things. One is, we have to continue with the multidisciplinary team approach. We will probably need to establish even some more MDTs in Arizona, for example. We need to continue to train and work with tribal prosecutors and tribal law enforcement on how to handle these cases.

For example, Senator, interviewing a child victim is not a typical interview. It requires special skills and special training and special sensitivities to the culture and language of the child. So that we need to be out there doing a lot more training and a lot more working with the folks on the ground in Indian country.

The CHAIRMAN. Have you seen an increase in these cases in non-Indian country?

Ms. NAPOLITANO. We do not get them in non-Indian country, Senator, because we do not have jurisdiction over these cases in non-Indian country. So it is a question that I would not be qualified to answer.

The CHAIRMAN. You might check with the local people sometime and just—what I am trying to figure out is, is it a nationwide problem, a general increase in child abuse throughout America, which some allege may be the case, or is it unique to Indian country?

I think we need to make some comparisons, because I think it is worse in Indian country than it is in non-Indian country, which if we can prove that, it then argues for more funding. If it does not, if it is just the same, and it seems to be another indication of some of the societal breakdowns we are experiencing, then I cannot argue as strongly for increased funding, is what I am getting at. So maybe if you could have your staff check around with what is going on overall in Arizona—

Ms. NAPOLITANO. Well, there may be good data available from the Bureau of Justice Statistics that would assist us in doing a comparative analysis as opposed to just telling you what is happening in Indian country.

The CHAIRMAN. I am sure that information is—

Ms. NAPOLITANO. It's somewhere.

The CHAIRMAN. [continuing]. Collected and kept somewhere.

One other question. Mary Thomas, the Governor of the Gila River Indian Community, says in her statement: Many of the 250 cases had been opened by the Tribal Social Services Department but for any number of reasons, the cases were not pursued. They were left to languish without the proper referral to the BIA, the FBI or Community Law Office. In January 1995, the Multi-Discipli-

nary Team, which is charged with the investigation and prosecution of sex crimes against children, was reorganized.

Does that mean there has been some improvement in things since then?

Ms. NAPOLITANO. Yes; we have really put some effort in working with the Gila River to clean out that backlog and move those cases along, and I think we have made great progress in that front.

The CHAIRMAN. Good. I would like to send you some written questions, particularly trying to gather more statistical data to argue for more funding for these programs. And I appreciate it.

And I would like to also say that I appreciate the efforts that you and your office have made in this very difficult and very traumatic and emotional area. And I wish we were making better progress, and I know that you do, too, in preventing these cases from happening.

Ms. NAPOLITANO. Thank you, Senator.

The CHAIRMAN. Thank you very much. Thank you for being with us today.

Next we will have Dr. Scott Nelson, the Mental Health Programs Branch Chief of the Indian Health Service, who is headquartered in Albuquerque, and Deborah Maddox, who is the Director of the Office of Tribal Services of the U.S. Department of the Interior. Ms. Maddox is accompanied by Angelita Felix, who is the Line Officer of the Office of Indian Education Programs, and Mr. Theodore Quasula, who is the Acting Area Director, BIA, in Phoenix.

Mr. Quasula, is that the proper pronunciation?

Mr. QUASULA. Correct.

The CHAIRMAN. Welcome to all of you, and we will begin with Dr. Nelson.

Thank you for being here this morning.

STATEMENT OF SCOTT NELSON, M.D., MENTAL HEALTH SOCIAL SERVICE PROGRAMS BRANCH CHIEF, INDIAN HEALTH SERVICE HEADQUARTERS WEST, ALBUQUERQUE, NM

Dr. NELSON. It is nice to see you again, Mr. Chairman.

I am Dr. Scott Nelson. I am Chief of Mental Health and Social Services for the Indian Health Service [IHS]. Dr. Trujillo, who is the IHS Director, wished he could be here personally but he could not, so I am glad to be here to present this testimony on his behalf.

Child abuse and family violence certainly continue among the most serious problems facing Indian communities today. Domestic violence is a major issue in the country and especially in Indian country, and a recent study in New Mexico showed that the death rates of Indian women in New Mexico from domestic violence was 2.6 times higher than the New Mexico general population. The suicide rate of Native Americans is almost twice the national average, and child physical and sexual abuse continue to be frequent and serious problems, and intergenerational in nature.

The IHS supports the reauthorization of the Indian Child Protection and Family Violence Protection Act. Despite the fact that specific appropriations for complete implementation of the act have not been forthcoming, I think the act highlights the importance of these serious issues in Indian country and emphasizes the importance of possible future funding.

Also, Dr. Trujillo has recently established an IHS Director's Initiative on Domestic Violence and Child Abuse to reinforce the priorities he places on these issues and to expand the capacity of tribes and service units to deal with them.

With regard to specific provisions of the act, child abuse is required to be reported throughout IHS. The list of positions within the IHS that involve regular contact with or responsibility for Indian children has been compiled. We have made arrangements with BIA to administer FBI fingerprint checks for tribes for a small fee and we transferred funds to BIA to support this function.

In addition, we have made arrangements with the Office of Personnel Management to conduct special child care worker background investigations, and that service will also be made available to tribal contractors. Our draft regulations establishing minimum standards of character for individuals whose duties and responsibilities involve regular contact with Indian children are under review currently by tribal leaders. It should be published in the next month or two.

Dr. Trujillo testified in May 1994 about a number of initiatives that we have established in the Indian Health Service, and by actively pursuing additional resources with other agencies, including the BIA, the National Center on Child Abuse and Neglect, the Department of Justice, the Center for Disease Control and Prevention, and SAMHSA, we have more than doubled our resources to deal with issues related to child abuse and family violence.

Just to mention a few of those, we have hired a child abuse coordinator. We have established the Director's Initiative, which I mentioned. We have developed a Child Abuse and Family Violence Prevention and Treatment Plan with the BIA. We have an interagency agreement with the BIA and work closely with them. We funded six tribal child abuse programs for prevention and treatment. And I have been very impressed that the tribes have consistently shown that they can make a major impact on these problems with some very specific targeted program funding. We conducted a National Child Abuse Conference, as you know, with the BIA last year. We have done training for tribal leaders, and training for treatment of juvenile perpetrators, also with the BIA.

In the substance abuse area, we have trained providers and provided treatment for persons who have been victimized by persons with substance abuse problems. We have worked with NCCAN to provide training for providers in our system, and we have worked with the Justice Department in training the child protection teams that exist throughout the country.

In the domestic violence/family violence area, we have a family violence prevention coordinator in IHS headquarters. We have developed a model program for family violence prevention and intervention programs. There has been an adolescent suicide prevention project, which substantially reduced the number of adolescent suicides and suicide attempts in that particular Indian community, again with targeted funding. And there has just been recently established a suicide networking center which is based in the same location where this prevention project was, and that has been largely funded by the Centers for Disease Control and Prevention.

So I would like to conclude with those few remarks, Mr. Chairman, and try to answer any questions you may have.

[Prepared statement of Dr. Nelson appears in appendix.]

The CHAIRMAN. Thank you, Doctor.

STATEMENT OF DEBORAH MADDOX, DIRECTOR, OFFICE OF TRIBAL SERVICES, DEPARTMENT OF THE INTERIOR, WASHINGTON, DC, ACCOMPANIED BY ANGELITA FELIX, LINE OFFICER, OFFICE OF INDIAN EDUCATION PROGRAMS; AND THEODORE QUASULA, ACTING AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS, PHOENIX, AZ

Ms. Maddox, welcome.

Ms. MADDOX. Good morning, Mr. Chairman. We do appreciate the opportunity to be here to discuss the status of the implementation of the Indian Child Protection and Family Violence Prevention Act.

The Deputy Commissioner of Indian Affairs, Hilda Manuel, sends her regards and apologizes for being unable to attend this hearing.

As you indicated earlier, I do have with me today Dr. Angelita Felix, Office of Indian Education Programs, and also Ted Quasula, who is sitting next to me, who is the Acting Area Director for Phoenix; and in his other life he is the head of our Law Enforcement in Indian Affairs.

We will be submitting the full testimony for the record but, with your permission, I would like to summarize.

I would like to focus my testimony today on the BIA's efforts to implement provisions of the Act and the progress that we have made in doing this.

I would also like to offer a few recommendations on how we can better protect and serve our Indian children. Although the Act was passed in 1990, the BIA did not, for a variety of reasons, quickly implement the provisions of the Act to the satisfaction of tribes, Congress and the administration. I am proud to report over the course of the last 3 years the BIA has made significant progress implementing key provisions of the act which directly impact the safety and well-being of Indian children.

In order to satisfy the requirements of the mandatory reporting of child abuse, the BIA has implemented a number of procedures and policies, which I will briefly discuss.

We have developed guidelines for reporting child abuse incidents within BIA-funded schools, which includes the mandatory reporting of child abuse incidents or suspicion of such an act to local law enforcement agencies or Child Protective Services. We have established and we continue to maintain the BIA's hot line for the reporting of all alleged abuses of Indian children.

The Office of Indian Education reassigns any employees who are accused of child abuse to positions requiring no contact with or control over children. The BIA has made considerable progress in implementing a character investigation process that reflects the critical components of the act. We have identified 7,000 public trust positions within the Office of Indian Education, Law Enforcement and Social Services which are covered by the act.

I am proud to report that we have completed and adjudicated 89 percent of these employees. The reason we have not been able to

obtain 100 percent is because of the high attrition rate of the BIA teachers and other staff.

The BIA continues to have six security officers who adjudicate background investigation findings. As a result of the background screening process, the BIA has detected some 200 applicants and employees with potential character problems that have either prevented their employment or caused their termination.

In April 1995, the BIA entered into an agreement with the FBI to provide tribes access to the FBI data base files for the national criminal background checks. We have distributed over 8,000 fingerprint cards to tribes and tribal organizations to screen employees who are responsible for the care and control of Indian children, and because of the success of this program, IHS negotiated an MOA with the BIA for this service in August 1996. The nationwide Indian Head Start program will also utilize this service as a part of the IHS agreement with the BIA.

In 1994, the BIA began implementing the Crime Reporting Information System. To date, the BIA has 43 of 216 computerized reporting sites up and working at the tribal and BIA agency law enforcement offices. We have trained over 400 people on this program. Due to budget limitations, we will only be able to get 20 additional sites operational each year.

The BIA Division of Law Enforcement through its Indian Police Academy in conjunction with DOJ has sponsored 18 training sessions for more than 5,000 participants on interviewing techniques, child abuse reporting and other related topics. The BIA also provides on-site training to tribes concerning the process of processing of background and character investigations.

A study on the central registry on child abuse perpetrator data in Indian country was completed in October 1994. The study was submitted to Congress and concluded that a central registry was feasible and needed. A critical factor in the overall decision is the location of the central registry. Early on, the BIA began exploring the possibility of locating the register in some other Federal agency, preferably DOJ. After President Clinton announced in August 1996 that a national fully accessible registry of child sexual abuse perpetrators would be developed, we are now assessing the feasibility of folding BIA's efforts into this overall initiative. We will continue to work with DOJ on the related issue of the lack of uniform tribal codes.

After extensive consultation, on June 21, 1996 the BIA, I am proud to announce, published the Final Rule on minimum standards of character, program guidelines for child protection and family violence programs, caseload standards and a formula for the distribution of funds.

The BIA and IHS continue to have an agreement on the implementation of section 410 of the act.

In reference to funding, support for the BIA's budget request to implement the act has been very difficult to obtain during these times of fiscal restraint. We did receive \$1.5 million in fiscal year 1992. The funding was used to hire, and we continue to have, a child protection coordinator and a secretary, six security officers and six child abuse criminal investigators at the areas which have the highest number of children and employees with direct contact

with children. Despite the decline in resources since fiscal year 1992, the BIA continues to support these 14 positions that I previously stated.

In fiscal year 1994, we requested funding to begin implementation of section 410 of the act and to implement section 411. The request was denied by the Appropriations Committee.

In fiscal 1996, the BIA again requested funding for tribal programs under section 411 of the act. This funding was also denied.

In addition, in fiscal year 1996, our budget received massive reductions, including a 13-percent deduction for the TPA line item. This was particularly devastating since approximately 85 percent of the Social Services programs and 65 percent of Law Enforcement programs are contracted under Public Law 93-638. As a result, the BIA's fiscal year 1997 budget attempted to restore the fiscal year 1996 reduction, and requested an increased funding for TPA, which continues to be the highest priority of tribes.

Let me now briefly discuss our recommendations.

It has been the BIA's experience that a deterrent to reporting has been the lack of protection for some tribal government employees for good faith reporting. The BIA has been contacted by tribal employees who have lost their jobs after they reported incidents of child abuse. We will be working with tribes to find ways to protect tribal employees, to prevent the loss of employment or other punitive actions for their good faith reporting of child abuse.

No. 2, there have been some difficulties in obtaining statistics and reporting problems with tribal contractors and self-governing tribes, which now exceeds over 200 tribes. We will convene an interagency task force to determine how we can gather child abuse statistics in one central location.

No. 3, a central registry should be established by one Federal agency with the assistance of others having access to Indian cases. We recommend designating the Department of Justice as the single agency responsible for the central registry.

No. 4, because the budget category Tribal Priority Allocations is the highest priority of tribes, we will be establishing an Indian Child Protection and Family Violence Prevention Program line item. This would allow tribes to direct funding for future general increases to implement the programs.

In summary, I would like to thank the chairman for sponsoring this act which provides vital protection for Indian children. We place a high priority on child protection in Indian country. We will continue to work with other Federal agencies to ensure an interdisciplinary approach to child protection. We believe that a combined coordinated effort by all agencies and tribal governments, along with the recommendations we have provided, will better ensure protection and safety for Indian children.

This concludes my statement.

[Prepared statement of Ms. Maddox appears in appendix.]

The CHAIRMAN. Thank you very much, Ms. Maddox.

Dr. Nelson, will the fiscal year 1998 budget request include a request for funds to provide assistance for victims of child sexual abuse?

Dr. NELSON. Mr. Chairman, I do not believe those decisions have yet been made. There are discussions about that and we have re-

quested some funds, but I am not at liberty to say where that process is now.

The CHAIRMAN. I understand that you have developed your regulations for minimum standards of character for individuals employed in positions with regular contact with Indian children; is that correct?

Dr. NELSON. That is correct.

The CHAIRMAN. When can we expect them to be completed?

Dr. NELSON. I understand from our legal office it will probably be about February.

The CHAIRMAN. In testimony from the Salt River Indian Tribe, it is alleged that it takes months for a patient referred by the Salt River Tribe to get an evaluation from the IHS psychiatrist. Could you respond to that, please?

Dr. NELSON. I do not know the specifics of that situation, Senator. I would be glad to check that out. That certainly should not be the case.

It is true that our mental health and social services funding is only about 43 percent in mental health and 21 percent in Social Services what it should be. So there are some delays. But in an important situation like that, there should not be a delay. So I will be glad to check on that.

The CHAIRMAN. Thank you.

They also report that the Indian Health Service has imposed a moratorium on new patient intake. Do you know if that is true or not?

Mr. NELSON. No; I do not. But I will check that out also.

The CHAIRMAN. Do you know how many IHS physicians have been specifically trained to administer examinations of victims of child sexual abuse?

Dr. NELSON. I am not sure exactly how many specifically have been trained, but I do know that there are manuals that were developed by child abuse care physician in our office that are present for both emergencies and for routine examinations in every single service unit, and they are available for use by physicians in those cases.

The CHAIRMAN. Thank you. Perhaps you could give me an answer in writing, also. I would appreciate it.

Dr. NELSON. Okay.

The CHAIRMAN. According to the Denver Post, there is a case where an IHS psychiatrist was engaged in sexual conduct with a minor under his care, and despite his criminal conduct, no action was taken. Can you respond to that case, or do you know much about it?

Dr. NELSON. Well, if it is the case that I am aware of—

The CHAIRMAN. Benavidez.

Dr. NELSON. Benavidez?

The CHAIRMAN. The claim is that a psychologist engaged in sexual relations with Benavidez while treating him for depression and addiction.

Dr. NELSON. That case is currently in litigation, Mr. Chairman, and I cannot comment on it in any detail at this stage.

The CHAIRMAN. We would like to send you some additional questions in writing. We would appreciate answers to them.

Dr. NELSON. We will be glad to respond.

The CHAIRMAN. Has it been your and Ms. Maddox's information that these cases are on the rise in Indian country? Is that accurate, that cases of child sexual abuse in Indian country are on the rise? Is that the information you are receiving?

Dr. NELSON. From our standpoint, I would say that we are seeing more of those kinds of situations. And I see more of them in my work when I see patients.

I am not sure whether it is an actual increase in incidence or whether people are feeling more comfortable in bringing their children forward and coming forward. And many of these individuals are also adults who have been abused in the past. Through the education and recognition of these problems within tribes and service units, I think more people are coming forward and bringing their children and reporting more. So it is hard to tell whether it is better reporting or a higher incidence.

The CHAIRMAN. Ms. Maddox, what is your impression of the situation?

Ms. MADDOX. Yes; I agree with Dr. Nelson. It has been both. I think it is a combination of better reporting and also the substantial training that has been occurring across Indian country.

The CHAIRMAN. Ms. Maddox, there was an agreement with IHS in 1993 to establish Indian child resource and family service centers. Can you update us on how that is progressing?

Ms. MADDOX. Well, the agreement is still in place but, as I stated in the testimony, we have been unsuccessful in obtaining the needed resources to staff those centers. So I think in most of the area offices we still have the child protection teams which kind of serve as that function. But in reference to being able to establish a separate resource center, we have been unsuccessful.

The CHAIRMAN. Is it not true that you did not request such funding from the Congress in 1996 and 1997 and 1995 and 1994?

Ms. MADDOX. Yes, sir; that is true.

The CHAIRMAN. It is a little hard for Congress to approve a request if they do not receive them. And, obviously, it is not on BIA's priority list or the President's priority list to ask for that specific funding. It might be helpful in the future when you complain about lack of funding—and I complain about lack of funding—to note, for a little balance here, that you never requested the money either, nor did the President of the United States. That is an important factor here. And I hope that the President will request this information, and I hope that the BIA will request through Secretary Babbitt this funding. It will make it much easier for us to act here, to get the money that is requested by the people who are responsible for it, who best know the Indians in Indian country.

It does not exactly match up when you testify that this is of the highest priority, and yet the money is not requested. And I am not absolving the Congress of the United States from their responsibility and culpability in this situation, because they should have increased the funding, in fact, instead of decreasing the funding.

In your testimony, you discuss a developing pattern which is very disturbing, where tribal employees have been terminated for reporting child abuse cases. Can you give us any specific examples or documentation of these cases, perhaps an example?

Ms. MADDOX. I do not think this is presently in litigation, but there was a particular case of a tribal Social Services person that reported this and as a result there was some retaliation and the person lost their employment.

The CHAIRMAN. And you are seeing cases of this quite frequently, or some cases of this?

Ms. MADDOX. Yes; enough that we are very troubled.

The CHAIRMAN. What do you do in response to something like that?

Ms. MADDOX. Well, we think if we could look at—the regulations that are out under 638, we think there are ways that we could utilize these standards for further tribal contractors to use as a deterrent to this.

The CHAIRMAN. Do you think that we need to perhaps have legislation that would punish someone or authorities who terminate someone who is basically carrying out the law, or are there laws on the book?

Ms. NAPOLITANO is still here. Maybe I should ask her.

Janet, do you know what the remedy is for people who are terminated for reporting cases of child sexual abuse or child abuse?

Ms. NAPOLITANO. Well, that is the first I have heard of it. I can think of a couple things on the books, though, that might be available in particular cases. But I think with discretion being the better part of valor, I should give you a written answer.

But I can think of some possibilities that I could look into for you.

The CHAIRMAN. I would appreciate that. I am not eager to pass laws, but it seems to me if you have got something like this going on, it would be better to come up with some remedy. Otherwise it is a very serious situation.

Ms. NAPOLITANO. Right. Let me think about that.

The CHAIRMAN. Thank you.

You want to add something?

Ms. MADDOX. Yes, Senator McCain; Ted Quasula has something to add.

Ted.

Mr. QUASULA. Just in direct response to your thoughts there, Mr. Senator, as far as having some legislation that would protect those employees and on the other hand perhaps prosecute those that retaliate, it would certainly make our lives easier.

The CHAIRMAN. I am sure there must be some law on the books in addition to legislation that, you know, that punishes someone for retaliating against someone who reports a crime. I mean, I am sure that must be in existence. But it perhaps is not specific enough in this particular situation.

Perhaps you can respond to us in writing, and we will get some recommendations from Ms. Napolitano on this as well. It is a very disturbing situation, as you say, and I do not doubt your testimony at all that that is taking place.

Is there anything else you would like to say, Dr. Nelson, Ms. Maddox, anything else you would like to add?

Dr. NELSON. I would just say that we have a similar problem in IHS, that occasionally tribal programs will fire people. And, in fact,

there was one person who was suspected to have been killed on the basis of a reported child abuse situation.

The CHAIRMAN. I promise you we will look into it.

Do you have anything you would like to add, Ms. Maddox?

Ms. MADDOX. No, sir.

The CHAIRMAN. Thank you all. Thank you for being here. We appreciate your testimony.

The CHAIRMAN. Our next panel is Mary Thomas, who is the Governor of the Gila River Indian Community, accompanied by Rodney Lewis, who is General Counsel of the Gila River Indian Community.

I guess we are going to have to pull up some extra chairs.

And we have Ivan Makil, who is president of the Salt River Pima-Maricopa Indian Community. He is accompanied by Robert Lewis, who is the Director of Social Services, Salt River Pima-Maricopa Indian Community; Ferrell Secakuku, who is the Chairman of the Hopi Tribe, and he is accompanied by Angeline Talayumptewa, who is the Children's Court Counselor, Hopi Tribal Authority; and Edward Manuel, who is the Chairman of the Tohono O'Odham Nation.

Welcome to all of you.

Instead of Mary Thomas, we will have the Lt. Gov. Cecil Antone, who is the Lieutenant Governor of the Gila River Tribe. It is nice to see you again.

STATEMENT OF CECIL ANTONE, LIEUTENANT GOVERNOR, GILA RIVER TRIBE, ACCOMPANIED BY RODNEY LEWIS, ESQUIRE, GENERAL COUNSEL, GILA RIVER INDIAN COMMUNITY

Mr. ANTONE. Good morning, Senator. Mr. Chairman, members of the committee, thank you for the opportunity to present to you our views regarding the Indian Child Protection and Family Violence Prevention Act. The Gila River Indian Community has taken a very active role in the protection of our children from the violence and illness which plague society, and this act has played a crucial role in efforts we have taken to prosecute individuals known to have violated our laws.

Senator before I begin, I would like to take 1 minute to acknowledge your leadership on Indian issues. As you are preparing to leave your leadership position on the Senate Committee on Indian Affairs, please know that your work, your dedication and your love of Indian people have not gone unnoted. Nor will it soon be forgotten. We must acknowledge that you have singlehandedly forced Indian people to play an active role in the political process. For too long, Indian issues have been ignored because we were not a political force. You, Senator, are proof that Indians do recognize those who work on our behalf and we have crossed party lines to support you in your career. In Arizona, tribes have more work to be done to accomplish our place in the political arena but we have taken many strides. We wish you all the best as you assume your leadership position on the prestigious Commerce Committee, and again we thank you for all your hard work on behalf of the Community and the other Indian tribes.

The CHAIRMAN. Thank you very much. Those words mean a great deal to me. And I want to assure you that I will continue to work on these issues, spend a great deal of time and work with Senator Campbell who, as you know, is assuming the chairmanship.

And I do believe it is a remarkable moment in American history that for the first time a Native American will be the chairman of this committee, and I think it is a very laudable situation. And although I did not want to give up the chairmanship, I am very pleased that that kind of transition can take place to have a person who is certainly knowledgeable on the issues to be Chairman of the Committee. He knows already a lot of things which took me many years to learn. So I thank you for your kind words and I appreciate them.

Mr. ANTONE. Thank you, Senator.

As I stated, the Community has taken an active role in the prosecution of crimes against children on the Gila River Reservation. In just the last 2 years, the Community has investigated more than 250 cases involving the molestation of children. We were able to close more than 194 of these cases. Approximately 70 cases were closed through prosecution in tribal court. Of these 70 cases, about 7 were prosecuted in Federal court, and three others were prosecuted solely in Federal court. The reason for success was the Multi-Disciplinary Team.

Helpful provisions of the act: Mandatory reporting, waiver of parental consent.

Provisions not implemented: Central Registry, Indian Child Resource and Family Services Center, Indian Child Abuse Treatment Grant Program.

This is just a brief summary of my statement this morning, Mr. Chairman. But as you have read our information as provided to you, we would be happy to answer any questions you may have regarding the efforts at Gila River.

The CHAIRMAN. Thank you very much, Lieutenant Governor Antone.

And I would mention that Lieutenant Governor Antone is accompanied by Jo Lynn Lewis and Carolyn Crosson. Welcome to both of you.

Now we would like to hear from President Ivan Makil.

STATEMENT OF IVAN MAKIL, PRESIDENT, SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY, SCOTTSDALE, AZ, ACCOMPANIED BY ROBERT LEWIS, DIRECTOR, SOCIAL SERVICES, SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

Mr. MAKIL. Thank you, Senator McCain. It is always a pleasure to see you. And I would like to take the time right up front to thank you also for the leadership that you have provided.

And I would like to be a little more specific about the housing meeting which you attended last week and made some very important strong comments to the people that were there. It was really a critical time, and the timeliness of your remarks and the strength with which you spoke those remarks was important to Indian country, and particularly the leadership of the tribes that were in attendance, to help create that kind of better understanding. It is that kind of leadership that we are going to miss. So we hope, and

we know that you will be helpful with us in working with Senator Campbell and, hopefully—I am probably going to stretch it here a little bit but even to ask the Senator to consider the introduction of Mr. Campbell to Arizona at some point in time so the tribes of Arizona can visit with him.

The CHAIRMAN. I think that is a good idea, and I will arrange it, perhaps in February. He does spend a lot of time here. There are a lot of folks who live in Colorado who are here in the winter, and hopefully he will be able to come down. I think that is a very fine idea and I think I will pursue that. Thank you.

Mr. MAKIL. And you are right; the weather would be perfect for them.

Anyway, without taking a lot of time, I know this subject has been a very serious subject for tribes because it gets right at the heart of what are some very critical and important values for a tribe. You know, we can do economic development and we can do all kinds of other programs that help our tribes but, in the end, one of the things that is at the core, and the reason that we do all of this work, is because of our families, our children, their growth and our people.

And while I have submitted testimony for the record, I would like to just summarize some of those comments and those issues in that testimony.

When I talk about how important the family structure is to the communities, we have for many years, in particular for the past 8 to 10 years, the Salt River has worked with and created a program that involves what we call a multidisciplinary group, which brings all of our social services together, the various social services programs, mental health programs, along together with our judicial system, various organizations and groups within that judicial system, to work out these issues, to review these caseloads, to review each of the cases, and we have developed this process over time.

So a lot of what we have been talking about in this particular act is not new to us. But one of the things that I think has been critical, and I will just get right to the core of the issue so that I do not take a long time, it has been the implementation of the act that has been the problem, the lack of dollars to support many of the portions of the act.

In past years, in particular for us at Salt River, being a self-governance tribe, prior to being a self-governance tribe a lot of that technical assistance and support and all of those issues actually came by way of the BIA. We were involved in 638 contracting for some time, and when we became a self-governance tribe, one of the understandings that we had about the self-governance program is that the self-governance funds would not be cut. In 1995, during that budget process, self-governance funds were cut and they suffered a 19-percent cut. Those cuts were in those areas that were assisting us in this act.

Now Salt River has been fortunate that we—I say fortunate, but sometimes when you are fortunate and you generate a little bit of revenue and you get that kind of cut, immediately you have to replace it. This is an area where we could not allow the programs to suffer those kinds of cuts, so the tribe supplemented it. We supplemented it to the extent that in Child Protective Services, two-thirds

of that program is funded by the tribe and the other third comes through those Federal dollars.

The real key to all of this process has been prevention and treatment. Treatment in particular has suffered the kind of program losses in funding that really are necessary to get at the core of many of these issues. I heard earlier in some of the testimony from others that regulations and guidelines that are being established to help with some of these processes and various Federal programs are necessary, but they are only a small part of the solution. The major part has to come from funding the efforts in treatment and the prevention. So that is an area that we feel has been critical.

We have even gone and worked with the State to try to acquire additional funding. We do have one State grant to provide parent education. We have had that for about 8 years. But had it not been for an ongoing relationship with the State, and a good working relationship with our staff and the State, we would not have had that kind of opportunity as well as the kind of training that we have been able to acquire from the State.

The technical services that used to be available really are suffering from lack of funding, so they are not available to tribes any more to the extent that they used to be. And we have been fortunate that that relationship with the State has allowed us to utilize their training that is available.

I think, without spending a whole lot more time about that, we do have two other grants. One is a Federal grant and then the other is an IHS grant which is a demonstration project grant, the first year of it, and it is a fairly large one, \$87,000. But it is competitive nationwide, so tribes are having to compete for those kinds of funds simply because there are not other funds available.

I think, in short, we have got to find a way to get the act funded. Because if we do not, then the act means really nothing. I mean, without that funding and the ability to fund treatment and prevention, I think, for all tribes, we are not going to hit at the core of the problem.

I would be glad to answer any other questions that may come up. [Prepared statement of Mr. Makil appears in appendix.]

The CHAIRMAN. Thank you very much.

Chairman Ferrell Secakuku, welcome back before the Committee.

STATEMENT OF FERRELL H. SECAKUKU, CHAIRMAN, THE HOPI TRIBE, KYKOTSMOVI, AZ, ACCOMPANIED BY ANGELINE TALAYUMPTewa, CHILDREN'S COURT COUNSELOR, HOPI TRIBAL COURT, KYKOTSMOVI, AZ

Mr. SECAKUKU. Thank you. Thank you very much, Senator McCain. And thank you for inviting me to be part of this testimonial hearing today.

I also would like to concur and agree with both of these gentlemen, and thank you for serving our Indian people well for the last 3 years that I have been working with you. I think you have shown strong leadership on behalf of the Indian tribes in Arizona, and particularly the Hopi and the Navajo Nations that have had some problems over their lands and things like that. We really appreciate your leadership in these things. I am hoping that your leadership role for the Indian people will continue, although you will be

going into the Commerce and Transportation committees, which is very important, very critical at this time, now that some of the problems have been resolved, especially for the Hopi and Navajo Nations, so that we can move forward now with this type of an effort to bring more progress in economic development and that sort of thing to our Indian Nations up north. And thank you for that.

The CHAIRMAN. And I want to thank you for the opportunity of working with you, and obviously we will continue to do so, and also for the opportunity of working with members of your family and your staff as well.

Mr. SECAKUKU. Thank you. I appreciate that.

I was expecting Angie Talayumptewa, the child abuse worker, protection worker. She did not come. I think we were going to some other place and then the location was changed, so she may be lost and may be coming later. I do not know.

Anyway, I appreciate being here and being invited to share with you some of our efforts.

As you are well aware, ever since the mideighties to the present child abuse has been a persistent problem, and continues to be a problem on the Hopi Reservation. During the last 2 years, well, the last 10 years, but particularly the last 2 years, the Hopi Tribe has handled more than 200 cases of child abuse, neglect and sexual abuse. In each of these years, more than one-half of the reports have been substantiated and have since been referred to either the Hopi Children's Court for adjudication or to other tribal social services or behavioral health programs.

The Hopi Tribe addresses problems of child abuse and family violence through tribal legislation, enforcement programs and service programs that we are now engaged in. But rather than going through all of this that I have here, this is all part of my testimony which has been submitted to you.

The CHAIRMAN. It will be made part of the record.

Mr. SECAKUKU. We do have some other lists of things that we have done here for you. But what I really wanted to mention here is that the Hopi Tribal Council is presently considering amendments to the Hopi Children's Code that would create a new Child Protective Services program within the Hopi Tribal Social Services Program. This proposed program would employ three full-time social workers to investigate and handle cases of child abuse and neglect. They will coordinate with law enforcement, schools, the tribal courts, the tribal prosecutor, emergency room physicians at Keams Canyon Hospital and the Tribe's Behavioral Health Services Program. And I expect the Hopi Tribal Council to take this proposal and enact the proposal within the next 2 months.

The Hopi Tribe has also created a multidisciplinary team called the Child Protection Team to coordinate the handling of child abuse and neglect cases. We coordinate this effort with the Hopi Children's Court, the Navajo Nation's Dilcon Agency Social Welfare Division, the Hopi Tribal Behavioral Health Services, local schools, law enforcement, and the Hopi Tribal Prosecutor's Office. This team meets monthly to review the status of child abuse and neglect cases pending before various agencies.

These are just some of the efforts we have been doing for the past 10 years.

But one of the major problems on the Hopi Reservation is the BIA law enforcement agency. We have approximately 9,000 people living on the Hopi Reservation. These are Hopi people, Navajo people, some other Indian people, and some non-Indian people. This population is widely dispersed over more than 1.6 million acres of land. But the BIA law enforcement service on the Hopi has only 10 officers and one criminal investigator to serve our region. This is simply not enough manpower to effectively enforce laws on the reservation in order to fully enforce both the Federal and tribal laws regarding child abuse and family violence, plus the routine of safety and other necessary law enforcement services.

The Hopi Tribe urges Congress to increase its funding and support for the BIA law enforcement.

The Hopi Tribe intends also to expand its effort by creating a Tribal Child Protective Service Program. In the Indian Child Protection and Family Violence Prevention Act, Congress recognized the need for these services and created the Indian Child Protection and Family Violence Prevention Program to provide Federal funding for each tribal effort through the BIA. I understand the Bureau has finally issued regulations governing how this program will be implemented. It is now very critical that the Congress look to this program and fund it. This is a very important measure.

The act also authorizes the creation of Indian Child Resource and Family Services Centers which we are attempting to also support.

I understand now from the testimony given by Ms. Maddox that there are certain centers that are available. But it is critical at this time. For the last 10 years, particularly the last 5 years, we could have used these centers as training facilities, training for our law enforcement and also for our protection workers to become more effective. So I am asking the Congress to fund these centers so that they could benefit the Indian Tribes throughout Arizona and for the Hopi Reservation.

With that, I know that time is very important, but I would like to see that these fundings come through right away. I hope that the BIA will support the Indian tribes by submitting the funding package to the Congress as soon as possible.

Thank you.

[Prepared statement of Mr. Secakuku appears in appendix.]

The CHAIRMAN. Thank you, Mr. Chairman.

Our final witness is Edward Manuel, who is the Chairman of the Tohono O'Odham Nation.

Welcome, Chairman Manuel.

STATEMENT OF EDWARD D. MANUEL, CHAIRMAN, TOHONO O'ODHAM NATION

Mr. MANUEL. Thank you, Senator.

This morning I am here with the Human Services Director from the Tohono O'Odham Nation. She is in the audience back there. If there are any questions, you can ask her.

I just want to thank you also for your support from the Tohono O'Odham Nation, for your support for Indian people and also for the passage of legislation for Indian tribes.

And especially, this is one of the critical areas that we are looking at because we are fully supportive of enhancing the develop-

ment of Indian people. And if we are going to develop our Indian people, we need to do it with sound bodies and minds and spirits. We have to have all these things. And so it is very critical that this act be implemented.

But as you can see, we have some problems in some areas that were identified in our document. Even though there is a lot of information and a lot of people identified as far as the abuse and family violence, we know that it is just the tip of the iceberg. So there is a lot more out there that we need to look at.

I just want to mention our Human Services Department. They mentioned one area regarding multidisciplinary teams and effort, that it is an effective mechanism to coordinate prosecution efforts. The team's efforts to address the physical and emotional impact of child abuse and neglect must be met through existing resources since there is nothing available for additional remedial services. So that is one area.

And from the advocate program, they are saying that the length of time it takes Federal authorities to decide whether or not to prosecute felony cases referred to them takes way too long. So that is one of the problems, just one of the problems we are having.

And from our prosecutor's office, they are saying that they deal with family violence and they are saying that there is no establishment of safe houses on the Nation, no shelters on the Nation that are culturally sensitive to our people. And there is no place for women and children for safety, not only to address their safety and emotional needs, but also to provide training for the women to become independent and self-reliant.

So those are some of the areas that we are looking at and they are needed on the Nation.

I just want to thank you again, Senator, for listening to us.

[Prepared statement of Mr. Manuel appears in appendix.]

The CHAIRMAN. Thank you very much, Chairman Manuel.

Beginning with by order of testimony, let me ask you—you probably heard in response to—the other witnesses responded that they were not sure whether the increase in reporting was due to the increased visibility and attention to the issue which has led to more reporting, or whether the situation is getting worse.

I would like your views from your standpoint as to whether the increase in reporting of incidents of child abuse is due to increased visibility and attention to the problem, which then would cause more people to report these cases; or is it because the actual problem is worsening on the Reservation itself?

We will begin with you, Lieutenant Governor Antone.

Mr. ANTONE. Senator, to respond to your question, I think it is a little of both. I think for too long, I think a lot of tribes or families knew some of this stuff was going on but just did not want to report it. But now it has become visible, I guess, to other communities, it has become inevitable that there are problems out there, that it does exist, and I think it is just the notices that do come out. And I was looking at some of the testimony or some of the examples where even the abuser was abused at some time in his or her life. So I think it is just a—the way I look at it, it seems to be there. And it has always been there, I believe, but it is just now coming to the front.

The CHAIRMAN. Ms. Crosson, do you have anything?

Ms. CROSSON. I would agree with the Lieutenant Governor.

I think that there is a dual purpose here, that we have now seen increases in reporting at Gila River; and the increasing reporting I believe is because there is an awareness in the community of the problem, but also there is a sense in the community that something will be done if they speak about these intimate and traumatizing things, that somebody is going to listen, they will be heard, and that appropriate action may be taken.

Many times when we go out to speak to people in cases that, for instance, are from 1993-94, if we walk up to the door and knock on the door and introduce our purpose for being there, the people who were victimized as early as 1993 and 1994 will burst into tears because they will say: Well, we told that story and nothing was done.

And now I think we have the opposite. I think that we know this from response in the community, that they feel we are effective and that we are trustworthy, and that if they speak to us about these intimate things, that they will be heard and that appropriate responses will be made.

The CHAIRMAN. Lieutenant Governor Antone, is the incidence of alcohol and substance abuse among the young people up or down or the same on the Gila River?

Mr. ANTONE. I would have to say it is probably increased a little to some extent. I would like to see it go the other way, but in reality it is there. And simply because of our location, I would have to say it is the influence with the gangs and so forth, I believe, this type of activity in the community.

The CHAIRMAN. So this obviously leads to an increase in abuse?

Mr. ANTONE. Yes.

The CHAIRMAN. Thank you.

Chairman Makil.

Mr. MAKIL. Our feeling is that it is a dual situation where there is an increase. And for the short time that we have been tracking it, even with our Child Protective Services caseload within the last year, with the addition of additional staff, at least one more case worker, we still had a 17-percent increase in 1 year in their case-loads. So what that tells us is that it is on the rise.

You have a whole variety of different kinds of, I guess, situations and problems that are occurring that did not exist, you know, even 10 years ago. What we are just doing, though, and I think all tribes are, we are just beginning to better define the problem and develop those statistics through better computerization, because in the past we have not had even the computer system to support, you know, acquiring that data and maintaining it. Because now it has become a very important part of maintaining those kinds of social and mental programs, mental health programs that are important to communities.

It is a combination of both, but it is on the rise.

The CHAIRMAN. Is the alcohol and substance abuse on the rise?

Mr. MAKIL. Yes.

The CHAIRMAN. The gang activity is really impacting your reservation as much or more than any others?

Mr. MAKIL. Significantly. There is a lot of interaction with the cities.

The CHAIRMAN. Hard drug problems?

Mr. MAKIL. Yes.

The CHAIRMAN. Is your facility for rehabilitation always full?

Mr. MAKIL. It is usually overcrowded.

Mr. ANTONE. Yes.

Mr. MAKIL. But again, you know, in terms of rehabilitation, there is not a lot out there. You know, there just are not the dollars and the programs available to support treatment, much less even consider prevention. And that is the biggest part of it, you know.

Some of them want it, you know, once they get involved. For many of them, a large percentage, it is difficult to find treatment when they get to that point.

The CHAIRMAN. And it is still a significant problem for you when non-Indians come on your reservation and commit a crime?

Mr. MAKIL. It is a big problem, a huge problem.

The CHAIRMAN. Ranging from dumping to committing violent crime?

Mr. MAKIL. You know, the abuse, once the abuse starts and we cannot deal with it, and particularly where there are mixed marriages and members are married to non-Indians and the ability to prosecute does not exist, you cannot even begin to start any kind of treatment and work with the problem, you know. We lack the jurisdiction to be able to do anything about that. And it is just worsening.

The CHAIRMAN. Well, you and I have had many discussions for many years on that problem and I am still trying to figure out what we can do. We came close one time, as you know, but we will have to continue to work on it.

Those reservations that are closest to metropolitan areas, including the Gila River, seem to have a far more significant problem. And I do not think we ever envisioned this kind of problem back a couple hundred years ago—

Mr. ANTONE. Senator—

The CHAIRMAN. Did you want to say something else?

Mr. ANTONE. Yes, Mr. Chairman; I was going to indicate, and I neglected to mention this, I know it is mentioned in our testimony, but we are trying to look at prevention for our children, and we have instituted boys' and girls' clubs, and we are trying to expand that to other communities, which has helped drastically. You know, to see the children smile and have something to do during the summer is very rewarding, and we are trying to do some prevention.

The CHAIRMAN. I am aware of that, yes. I appreciate that.

Chairman Secakuku.

Mr. SECAKUKU. Thank you. Let me introduce Angie Talayumptewa. She finally arrived. She finally found the upside-down building, yes.

The CHAIRMAN. Thank you for being here.

Ms. TALAYUMPTWEA. Thank you, Senator.

Mr. SECAKUKU. I can agree with the two gentlemen again. The visibility on the Hopi Reservation has increased because of the reporting. I do not know if the culture played a key role at the beginning when they did not want to talk about it because it is very sen-

sitive to our ways. But now the people have been victimized, and that I think is the key word, that they have finally found a reason to report. Some of the teasing has gone beyond the excessive measure. So the reporting has a lot to do with the visibility.

As far as the increase of the problem, I believe it has increased. I mean, it is much more of a problem now than it was several years ago.

Just within the year, I have a report here, we have a caseload of 236 incidents that were reported either in substance abuse, child abuse, neglect, sexual abuse; and approximately 132 of these cases have been substantiated. So there is a rise, of course, except for that one particular incident in the *Boone* case where it is an isolated issue, but now it has increased—it has gone beyond that now.

So I say the children who have been victimized or who have been involved with the victims families now have their own families, I believe these are the ones that have increased the problem. But how to take care of it is a big question. Our detention center—we cannot just throw them in jail overnight and release them maybe the next day. We only have one detention officer, maybe, in 24 hours sometimes.

But that would not help. It needs more than that. It needs some sort of a training program for them to go to or some sort of a plan where they could be involved, involved in some sort of a closed, enclosed environment, where they could be able to learn their values and who they are, why they are living today, why they should not be doing things like that. I think these are some of the training programs that we need. But it takes a lot of money to do that.

We also need to keep them within their own environment, which means they should be with their own people. If they send them here, for example, if they send them to Phoenix or elsewhere, then they are intermingled with others, maybe other cultures, which is not too good for them either, because they need to be with their own cultural environment.

So this I think is one of the measures we could look at. Look at ways on how to curb this situation.

We do have a lot of alcohol and substance abuse, people are actually bootlegging or selling marijuana and hard drugs on the reservation now. That never was the case about 4 or 5 years ago. Now these people are on the reservation. And to me, what we need to do is catch the people that are bringing it from off the reservation into the Hopi. We need to get these guys, these people that are providing the drugs.

The CHAIRMAN. Thank you.

Angeline, maybe you can give us an update on the situation around Second Mesa as far as the Boone people are concerned, the victims of Mr. Boone's crimes.

Ms. TALAYUMPTWEA. Upon investigating all these cases, we found that the victims that were victims of Mr. Boone have become perpetrators. A lot of them are adults now. Probably about half of them have become perpetrators.

The CHAIRMAN. Half of them?

Ms. TALAYUMPTWEA. Of the victims, yes, of Boone's victims.

And the thing is that a lot of them are not getting the help that they need because of the shame that it has brought them, but they

do not want to go to the guidance center that we have on the reservation.

Some of them have gone out to the cities and some of them took it upon themselves and went out, but we are finding that the ones that are not getting the help that they need are becoming perpetrators, and it is just growing, you know. We see other persons victimized by these perpetrators become perpetrators themselves. And if you do not put a stop to that, it will continue to happen.

Something else that we found out is that, like Ferrell was saying, the chairman, we send our children off to a lot of residential treatment off reservation; but when they do go off, just like he was saying, they are in another culture, in another area.

The CHAIRMAN. They are exposed to evil people?

Ms. TALAYUMPTWEA. Right. But when they do come back, you know, it does not work. You make recommendations to the guidance center to help the people that are left on the reservation, the parents, the siblings, aunts, uncles, whoever. But, you know, they are getting the help here, but they are not living with their children. So when they come back, it explodes up again, and then we have to start all over again.

Not only is there child sexual abuse that has increased, but we have a lot of neglected children, dependency cases. We have a lot of physical abuse. And I am the only person that handles everything.

The CHAIRMAN. Could you prove that the area around Second Mesa, where Mr. Boone committed his crimes——

Mr. SECAKUKU. That is First Mesa.

The CHAIRMAN. First Mesa. I am sorry. First Mesa.

Where Mr. Boone committed his crimes, that the caseload is much larger there than in other parts of the reservation? Is that an accurate statement?

Ms. TALAYUMPTWEA. Yes, it is; I am from the village of First Mesa, and there we basically know who is who and what is what. For some reason, First Mesa people do not want to get the treatment. And we have had a lot of it. Not only that, as far as I know, the victims, we have had a lot of them that have committed suicide also, because they did not want to get the treatment, and they did not want it to be known that they were the victims of Mr. Boone.

The CHAIRMAN. And it is still associated to a large degree with substance and alcohol abuse?

Ms. TALAYUMPTWEA. Yes; a major part of it is again because of the neglect that is going on when there is alcohol and drugs. There is a lot of alcohol and drugs on the reservation now.

The CHAIRMAN. Thank you very much.

Governor Manuel.

Mr. MANUEL. As far as alcohol, according to our police department, there seems to be a decrease in the use. Just to give you an example, they used to have roadblocks when they have dances, and they will haul away tens of cases of beers. This last one that they did the roadblock in, they only had about two cases, and it was a 12-hour roadblock. Usually they have a 4-hour roadblock. This one was 12 hours, an all-night roadblock, like one-half a day. So there was a decrease.

There is also a creation of security guards in different areas, different districts, so they can control that activity.

But as far as drug abuse, that has really skyrocketed because we are in the area where they do drug traffic from the border's boundary. So it is real bad as far as drugs are concerned. Even kids, very small kids, are into it all. So that is real difficult to stop.

The CHAIRMAN. With the increase in drug traffic, can you see an increase in drug usage?

Mr. MANUEL. Definitely.

The CHAIRMAN. It is getting worse?

Mr. MANUEL. It is getting worse.

We met with the Immigration Department and also the Oversight Commissioner from DC, and they did say they are going to increase their people in that area to try to have some control over the people coming through carrying the drugs.

And also we talked to the—What is the other one?

The CHAIRMAN. DEA?

Mr. MANUEL. DEA, yes, and their people to see if they can increase their people over there, too.

The CHAIRMAN. So your problem is a little bit unique in that there is so much drug trafficking that comes across the border?

Mr. MANUEL. Right.

The CHAIRMAN. Good. Let me see if I have any more questions here.

Mr. MAKIL. Senator.

The CHAIRMAN. Yes.

Mr. MAKIL. Please, if I could also just add one more, just to raise one more issue with regard to some of the things that have been said.

It is important to also note, I think, in terms of treatment that is available for tribes that obviously the best way, as Chairman Secakuku mentioned, treatment is better that can be developed within the communities. That is extremely expensive, you know, in order to do it properly. And, of course, the treatment centers that are available outside, that we can use or contract with, know that there are very few of them, and so that becomes very expensive. So treatment just in general becomes very, very expensive.

And even the prosecution of these cases, when we go through the process of bringing them through the system, if they are done properly, are also even more expensive than just a regular case that comes through because of all of the things that are important. And developing the technology that also is needed to do this all properly is important for tribes as well.

So I just wanted to make a note of that, because I think it is important, and hopefully the Congress will understand that in this issue, when appropriating dollars, it is not just an issue of appropriating the dollars to make sure that it happens, but that this is a very expensive process, also. It is just important to mention that.

The CHAIRMAN. I note in the audience an old friend and respected leader, Peterson Zah, who is here.

Mr. Zah, would you have any comments which you would like to make at this time?

**STATEMENT OF PETERSON ZAH, ADVISER TO THE PRESIDENT
ON AMERICAN INDIAN AFFAIRS, OFFICE OF THE PRESIDENT,
ARIZONA STATE UNIVERSITY, TEMPE, AZ**

Mr. ZAH. Mr. Senator, you may be sorry that you called on me. The CHAIRMAN. Never am I sorry.

Mr. ZAH. In listening to the discussion here among my brothers and sisters, I think many of you know that I am over at the university nowadays, and in looking at specifically the subject at hand, I think it is the same everywhere.

The only difference, Mr. Senator, is that in the white man's world they can deal with those issues in a preventive way so that many of these do not come out publicly for the discussion, or for a government to deal with.

On the Indian reservations we have a situation where we do not have the preventive mechanisms in place to deal with these issues at the local community level. But instead it comes out at the tribal government level and, as a result, we are talking about it here. So in my own experience, being here in the City of Phoenix and then having to deal with some young people at the university, and then being involved in my own school district down here in the Ahwatukee area, they experience the same thing. But as soon as those things happen, they handle it right there in the community. You have school districts and families that are better equipped to deal with these issues than they do, say, out on the Hopi or out at Navajo.

Finally, I just wanted to——

The CHAIRMAN. Before you move off that, is that because of tradition? Is it because of a sense of shame that some people feel that this is taking place? Is this because there is not enough education on the reservation itself that these things need to be reported and addressed? What is the reason for the differentiation?

Mr. ZAH. I think it is all of the above. Let me tell you why. I followed the *Boone* case when it happened on the Hopi Reservation, and for the life of me I could never, never, ever accept the idea that our own Indian families that were at that school who knew about Mr. Boone's activities never once blew the whistle on that person.

Now if I were at that school, knowing that Mr. Boone was doing this, when I first saw and heard about what was happening, I would be on top of the roof blowing my whistle about this man and what he was doing to our children.

But none of those parents—even though they knew never did anything. They were more interested in their jobs. They were trying to tell themselves and convince themselves that "if I tell on him, I am going to lose my job."

So where is our obligation to the society, our moral obligation to our Indian kids? They were more interested in the job. And that is a fault of our modern Indian society.

Now your question specifically as to the situation in non-Indian communities. I think it is one of education, and then maybe it is one of the system itself. If you had a Mr. Boone over at Ahwatukee School District, a parent or anybody finding out about it, because it is within the school system, you would hear about it at the school board meeting. Some parent, some students would be telling about his activities.

It did not happen on the Hopi because it is a Bureau school where there is no accountability, and people were more interested in their jobs. Over here it is different.

I do not know if anyone really followed what ultimately happened to Mr. Boone. The BIA was trying to transfer him to another Indian reservation, with all the crimes he committed, you know, that he did on the Hopi, and they were going to transfer him to another Indian reservation up in Alaska after he left the school. And the answer from the Bureau was: Well, he is protected by this system called Civil Service retirement system, or there was a protection by the Federal Government where you just cannot, get rid of him. But they were willing to transfer him to another place.

So there is something wrong with the BIA system. He could have never lasted after that first school board meeting over at Ahwatukee. The parents would have run him out and he would not have served another day in that school. But the Bureau and the Federal Government, they allowed him to stay so many years after he had committed all of these crimes. So there is something wrong with the system.

And I would only advise and challenge our brothers and sisters that Indian tradition should play a significant role in the preventive process. It is kind of sad to see even among my own people on the Navajo where those traditional values, the family values, the kinship system, clan relationship and the respect for women respect for our spouses, and children, are no longer valued. these values have enabled us to survive as long as we have.

It is kind of sad to see many of our young people beginning to think that that is not so important anymore. So it goes back to the family situation and our traditional ways.

The CHAIRMAN. Thank you very much, Mr. Zah. And I appreciate everything you have done for many, many years to help Native Americans, the Navajo Nation as well as Indians as a whole.

I would make one caveat to your comments about the *Boone* case. There was an instance where parents went to the principal of the school and complained that Mr. Boone was carrying out his outrageous activities, and the response of the principal of the school to the parents was: Do you want to hurt his career? Do you want to hurt his career? That was the testimony that the committee received back when we were investigating the *Boone* case.

There were at least some parents that went and tried to get something done about it, and the response of the school itself was, as I say, that they did not want to harm Mr. Boone's career.

Also, as I referred to earlier, there is a case ongoing right now, the case of an IHS psychologist, as you know. And it is my understanding that the person who perpetrated that was similarly transferred. The IHS employee was simply transferred by IHS rather than prosecuted for his abuse of a young man who he was allegedly—I emphasize "allegedly"—counseling at the time. So sometimes things do not change or improve as much as we had hoped they would.

Is there anything else?

Mr. MAKIL. Yes.

The CHAIRMAN. Lieutenant Governor, please go ahead.

Mr. ANTONE. Senator, in the event the BIA does ask for appropriations this next fiscal year, we would request that the money go straight to the tribes. Thank you.

Mr. MAKIL. I have two things. First, the drug trafficking on the Hopi. It is pretty visible out there that some of these people are bringing in drugs to bootleg. This contributes directly to the neglect of children, abuse, physical abuse, and even sexual abuse. So for that reason, what I would like to do, what I am planning to do is work with the Department of Justice to do something to apprehend these people. So that will be my next move.

The second thing I would like to discuss with you is, I am that glad you are going to do something or maybe have some kind of protection law developed for people that are reporting abuse. Some of these employees might be giving reports of certain incidents on the reservation and then they are losing their jobs. We have several incidents on the Hopi where that happened. And by hearing you, I think you are saying: Maybe the Congress will develop some sort of a protection, some laws to protect these people that are reporting some injustices. Is that what you said?

The CHAIRMAN. Yes.

Mr. MAKIL. I was not sure.

The CHAIRMAN. Yes.

Mr. MAKIL. Okay. I am glad that you are doing that because I think it is very important.

The CHAIRMAN. I do not know if it is enforcement of an existing law, because I think it is probably a violation of existing law, and maybe we just need to enforce it. If not, I think they can maybe add something.

Mr. MAKIL. And I would just thank you, and we would like to have more money from Congress for Indian programs.

The CHAIRMAN. Well, one of the things that I want to do is join with Senator Inouye, and we plan to get a letter off, hopefully this week, to the President and to Secretary Babbitt and ask that they request sufficient funds in this year to fund these programs, and that will be the right beginning. And then if we can get that in the President's budget, then I think we can defend it and fend off efforts to cut the funding for these programs. There are also others, as you know. So we will continue to work in that area.

There seems to be a perception about the country that all Indians are rich now that there is a casino up in the State of Connecticut, and that obviously is not the case. So it makes our challenge a little more difficult. That, combined with really—despite the failure of the term limits initiative, we have a very large turnover in the Congress, and there are fewer and fewer Members of Congress who have had experience in Native American issues. So that is one of the reasons why I have encouraged political activity and involvement on the part of the tribes and their members.

So I want to thank all of you. I know this is a very unpleasant subject. I know it is something that we would rather talk about a lot of other things and we would rather have hearings on a lot of other issues than this. But I do not know of one that is more important, nor more worthy of our attention, nor more compelling. All of us have children. All of us know how defenseless they are and how it is our first obligation.

So I appreciate you being here. I have been frustrated many times at our lack of progress when we take 6 years to write draft regulations to implement a law. It is very frustrating. When the funding is cut, it is very frustrating. And when there is a lack of attention to the problem on the part of all parties concerned, including some tribal leaders, including some Members of Congress, then it is very frustrating as well. But I want to assure you that I will continue, with your help and with your leadership, in trying to eradicate this terrible scourge that has affected Indian country.

Thank you for being here, and I appreciate the opportunity of being with you. Thank you for your kind words.

This hearing is adjourned.

[Whereupon, at 11:15 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF SCOTT H. NELSON, M.D., M.P.H., CHIEF, MENTAL HEALTH/
SOCIAL SERVICE PROGRAMS, INDIAN HEALTH SERVICE

Good morning. Mr. Chairman, I am Dr. Scott Nelson, Chief of Mental Health and Social Service (MH/SS) Programs of Indian Health Service (IHS). Dr. Michael Trujillo, the IHS Director, sends his regrets that he cannot personally attend this hearing. I appreciate the opportunity to present the IHS testimony on the implementation of the Indian Child Protection and Family Violence Prevention Act.

As you know, child abuse and family violence are among the most serious problems facing Indian communities today. Domestic violence is a major issue in the Nation and especially in Indian country. For example, a recent study showed that the death rates of Indian women in New Mexico from domestic violence was 2.6 times higher than in the New Mexico general population. The suicide rate of Native Americans is almost twice the national average, and in some Native communities is epidemic. While precise data on the incidence of child physical and sexual abuse and child neglect are not available for Indian country, we know that these problems are frequent and serious in many Indian communities.

I want to say at the outset that IHS supports the reauthorization of the Indian Child Protection and Family Violence Protection Act. Despite the fact that specific appropriations for complete implementation of the Act has not been forthcoming, it highlights the importance of the serious issues of child abuse and family violence in Indian country and emphasizes the importance of possible future funding of this authority. I also want to let you know that Dr. Trujillo has recently established an IHS Director's Initiative on Domestic Violence and Child Abuse to reinforce the priority he places on these issues and to expand the capacity of Tribes and Service Units to deal with these problems.

With regard to specific provisions of the Act, I am pleased to report that the list of positions within the IHS that involve regular contact with or responsibility for Indian children has been compiled. We have made arrangements with the Bureau of Indian Affairs (BIA) to administer FBI fingerprints checks for tribes for a small fee, and have transferred funds to BIA to support this function as well as for training of tribal staff in conducting investigations. In addition, we have made arrangements with the Office of Personnel Management (OPM) to conduct special Child Care Worker Background Investigations, which include searches of State criminal history repositories. This special investigation service will also be made available to tribal contractors. Our draft regulations establishing minimum standards of character for individuals whose duties and responsibilities involve regular contact with Indian children are currently under review by tribal leaders, and should be published as proposed rules for comment in February 1997. The proposed regulations provide that minimum standards of character have been met only after satisfactory completion of background investigation of these individuals. Child abuse reporting is required for all IHS personnel.

As Dr. Trujillo testified before this committee in May 1994, IHS has established a number of initiatives in child abuse and family violence prevention and treatment

with the \$1.25 million in resources that have so far been directed to these efforts. We have actively pursued additional resources resulting in more than \$2 million from the BIA, the National Center on Child Abuse and Neglect (NCCAN), and the Department of Justice being made available over the past 5 years to fund joint child abuse prevention and training projects in Indian country. The following is an updated summary of our activities in treatment and prevention of child abuse and family violence:

CHILD ABUSE PREVENTION AND TREATMENT INITIATIVES

Child Abuse and Family Violence Prevention and Treatment Plan—The IHS prepared a Child Abuse and Family Violence Prevention and Treatment Plan in early 1994 as requested by the fiscal year 1994 House and Senate Appropriations Reports. The Plan proposes specific objectives in 6 categories: prevention, case identification, treatment, training and technical assistance, coordination and evaluation. The Plan was submitted to the Congress jointly with BIA in early 1996.

The IHS-BIA Interagency Agreement—The IHS and the BIA signed an Interagency Agreement in late 1992 that reaffirms the commitment of the agencies to coordinate child abuse prevention activities. The Agreement continues the BIA-IHS National Child Protection Committee in order to encourage Area and local child protection teams, to obtain tribal input, and to foster interagency cooperative policies and activities to prevent child abuse.

IHS-BIA Memorandum of Agreement on Family Resource Centers—The IHS and BIA signed an agreement in 1992 on the implementation of the Family Resource Centers authorized by Title IV of Public Law 101-630, and reauthorized by Public Law 104-16 last year. Upon further implementation of the Act, IHS proposes to provide one full-time child mental health professional at each of these Centers. This agreement may need to be modified based on reorganization of IHS and BIA in the near future.

Tribal Child Abuse Programs—The IHS Mental Health and Social Service Program provides \$750,000 per year of recurring funds for Congressionally requested child sexual abuse prevention and treatment projects at the Navajo Nation [\$300,000], the Hopi Tribe [\$200,000], the Bay Mills Chippewa Tribe (\$100,000) and the Washoe Tribe [\$150,000]. The BIA also contributes funds to the Hopi Tribe and the Navajo Nation projects.

Navajo Nation Child Mental Health Initiative—An initiative of the Navajo Nation for American Indian children and adolescents with serious emotional disturbances and their families in four Navajo agencies has been funded by the Center for Mental Health Services of the Substance Abuse and Mental Health Services Administration [SAMHSA]. The project focuses on providing additional mental health services to Navajo children and their families. The staff of the Navajo Division of Social Services are also receiving training from the University of New Mexico in working with child sexual abuse victims and their families.

Child Mental Health Fellowship Program—Each year since 1991, the IHS in conjunction with the University of New Mexico has provided postgraduate training to two Indian social workers. The funding for this training is accomplished through the University's Fellowship Program, with partial funding by the IHS. The training enhances clinical experience and skills on the treatment of child abuse victims and their families.

IHS MH/SS Child Abuse Initiatives—The IHS received \$500,000 recurring funds in the fiscal year 1992 mental health budget to implement a child abuse prevention initiative. These funds have been used to support the following:

(a) Demonstration child abuse prevention projects at the Salt River Indian Community of Arizona, and the Sault Ste Marie Chippewa Tribe of Michigan. A previous demonstration project was funded at the Fort Peck Reservation in Montana.

(b) A juvenile sexual offender treatment program in eight IHS Areas (Aberdeen, Alaska, Albuquerque, Billings, California, Navajo, Phoenix, and Portland). The project was funded jointly by the BIA and the IHS. The project will be evaluated by IHS in fiscal year 1997.

(c) A national conference on child protection and family preservation which was held in Phoenix on April 12-14, 1995. The purpose of the conference was to provide training in the treatment of child abuse victims and in the establishment of family preservation programs, and to share effective approaches used by existing child abuse prevention and treatment programs with tribal and IHS service providers and Indian community leaders.

(d) Three training sessions for tribal leaders on child abuse issues and consequences.

(e) The hiring of a social work consultant who coordinates IHS agency-wide child abuse activities with the BIA, the Department of Justice and other Federal agencies.

(f) A pediatrician was hired as a national medical consultant to train local physicians in conducting examinations of victims of child abuse, prepared child abuse examination protocols for local emergency use. In addition, the pediatrician acted as medical consultant to the IHS Maternal and Child Health [MCH], Fetal Alcohol Syndrome [FAS], and Headstart programs.

Substance Abuse Related Child Abuse Initiatives—The Alcohol and Substance Abuse Programs Branch of IHS has received \$2 million for child abuse initiatives since fiscal year 1996. The Branch has used those funds for training of providers, victim treatment and purchase of equipment for child abuse victim examinations. Special assistance is provided to programs for Alaska Natives pursuant to Congressional directives.

Training on Child Abuse Victim Treatment—IHS and the National Council on Child Abuse and Neglect [NCCAN] signed an agreement in fiscal year 1994 through which NCCAN is providing \$200,000 per year for 3 years to train IHS and tribal providers in community mobilization for prevention of and education on child abuse. Providers in four IHS Areas per year have been trained since fiscal year 1995.

Training in Child Protection Activities—A pilot training program for Child Protection Teams in the Phoenix Area of IHS is being provided through an agreement with the Office of Victims of Crime within the Department of Justice.

FAMILY VIOLENCE PREVENTION AND INTERVENTION INITIATIVES

Model for Family Violence Prevention in Indian Communities—Under a contract with the IHS, Support Services, Inc. Developed a model for family violence prevention which was based on a study of child abuse and family violence in four geographically diverse American Indian communities, and in conjunction with the IHS Family Violence Prevention-Team, this model is a guide to developing a system of family violence intervention and prevention services and resources in Indian communities.

IHS Family Violence Prevention Team—Formed in 1986, the Family Violence Prevention Team of the Mental Health/Social Service Programs Branch has provided crisis response and program development training and consultation on suicide, domestic violence, and child abuse in American Indian/Alaska Native communities nationwide. The Team has responded to over 200 requests for assistance per year. The Team also has developed and found funding for several community based innovative service and evaluation projects in Indian country. The Team leader is coordinating the implementation of the IHS Director's new Initiative on Domestic Violence and Child Abuse.

National Adolescent Suicide Prevention Project—Located in Dulce, NM, and funded by the IHS, the Jicarilla Tribe has managed this project for 5 years to successfully reduce the extremely high rates [22 times the national average] of suicide and suicide attempts among the tribe's youth.

National Suicide Network and Center—Based on the success of the suicide prevention project, the Jicarilla Apache Tribe has been funded, largely through an interagency agreement with the Centers for Disease Control and Prevention [CDCP], to implement a new Suicide Prevention Network and Center. The Network/Center coordinates emergency responses to tribes and service units, utilizing resources based in local A/AN communities. This mechanism was developed due to the recognition of the increased local expertise in Indian communities and because the capacity of IHS to respond to this issue has been reduced due to downsizing. The center includes a suicide toll-free hotline.

Evaluation of Indian Suicide Intervention Programs—The Centers for Disease Control and Prevention has provided funding for 2 years to evaluate suicide intervention programs in three American Indian communities. These communities all experienced high rates of suicide over a number of years and have developed community based programs to address suicidal behaviors. The study is being carried out by the communities themselves with consultation from the Family Violence Prevention Team [MH/SSPB].

Report to Congress on the Need and Cost of Suicide Intervention Program in Indian Country—In 1994 Congress asked for and IHS prepared a report outlining the need for and cost of suicide intervention programs in Indian country. Highlights of the report include the need for developing local suicide prevention programs and suicide crisis response teams through hiring mental health/social services professionals and community outreach workers who specifically address suicide

in communities with high suicide rates. The report also called for community health and education centers where youth and families could receive education, relevant health care, and participate in healthy recreation activities regarding suicide prevention, prevention of other forms of family violence, parenting skills, and culturally relevant activities. The report was sent to the Congress in April 1996.

In early 1995, Senator Pete Domenici asked the Secretary of the Department of Health and Human Services and the IHS to support a study of Indian suicide, with recommendations for addressing this serious issue more effectively. An external 5 member Task Force was appointed and submitted its final report to Senator Domenici in April 1996. The report was widely distributed in IHS and Indian country.

Data Issues—The Indian Health Service gathers data on suicide and homicide. Reporting is mandatory for IHS, BIA and tribal staff on child abuse to the BIA. Child abuse data from reported cases are available from the BIA. There is no Federal mandate for reporting domestic violence/spouse abuse. Consistent data are not available on domestic violence/spouse abuse, the numbers/percentages of homicides that are a result of domestic altercations, or the numbers/percentages of suicide completions with histories of family violence, domestic violence and/or child abuse. The new IHS Patient Care Component (PCC) data entry format will ask for these data on persons who have sought treatment.

Other Child Abuse/Family Violence Prevention and Treatment Activities—In addition to the above initiative, several other programs assist child abuse and family violence activities by providing technical assistance, training, coordination, and services to Indian communities. These include:

(a) The IHS child mental health and social services staff provides technical assistance, consultation, and training on Indian child mental health issues.

(b) The IHS Maternal and Child Health program (MCH)—develops IHS child abuse policies.

(c) The IHS-Headstart Project—provides technical assistance, training, and evaluations of the health and mental health components of Indian Headstart programs via an intra-agency agreement with the National Headstart Program.

(d) The IHS FAS project—provides education and technical assistance on the prevention of FAS.

(e) The Healthy Start Program—provides services to Indian communities in the Northern Plains to reduce infant mortality and to assist with parenting skills, through a grant from the MCH Bureau of Health Resources and Services Administration.

Mr. Chairman, this concludes my statement. Your support of the IHS efforts to combat child abuse and family violence in Indian country is most appreciated. I will be pleased to answer any questions you may have.

PREPARED STATEMENT OF IVAN MAKIL, PRESIDENT, SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

Mr. Chairman and members of the committee, I appreciate the opportunity to testify on this important issue. My name is Ivan Makil, President of the Salt River Pima-Maricopa Indian Community. I have with me Robert Lewis, Social Services Director for our Community. The purpose of this hearing is to hear from tribal and Federal entities regarding the implementation of the Indian Child Protection and Family Violence Prevention Act. I understand you are also interested in discussing issues of child sexual abuse and treatment, therefore, my comments and testimony will reflect on these issues. As tribal leaders we are compounded with many diverse issues, however, none are more complex and near to my heart than those which affect our families, especially our children. Which is why I am very disturbed that this Act was never funded to implement the provisions of the act.

The Salt River Pima-Maricopa Indian Community is a Self-Governance tribe and is surrounded by the municipalities of Tempe, Mesa, Scottsdale, and Fountain Hills. Our reservation is comprised of 53,000 acres with a population of 6,350 enrolled members. In some cases being located near the Phoenix Capitol has some advantages. For instance we can access state programs and legislators. However, negative influences such as gang violence tends to infiltrate into our family and Community structures. We as a tribal government have taken measures to ensure the protection of our families by enacting laws and providing support staff for our programs..

I would like to begin with describing our Programs and Services directed at child sexual abuse. In terms of our service programs, the tribal Child Protective Services program is located within the Social Services Division of the Health and Human Services Department. This unit investigates reports and complaints of child abuse and neglect including sexual abuse. It works in conjunction with the Community Po-

lice and legal authorities. In the event that a child must be removed from an unsafe home situation, tribal CPS Workers are authorized to take this action and place children in emergency foster care or a crisis shelter. Supervised or monitored visits are provided for children who are in this situation pending completion of the investigation process and legal adjudication of a case. The possibility of family reunification is always considered as a goal in this process.

The CPS program includes follow-up casework and treatment services for victims of abuse and their families. Special therapeutic counseling is provided for child victims. Our Social Services Division provides services related to problems of abuse and neglect. These include Parenting Skills Training Program; a support and education group for victims of Domestic Violence and counseling. A Community foster home system administered by tribal Social Services is the primary resource for foster care for children.

Our staff works closely with the Indian Health Services and the units we refer to are the Salt River Clinic and the Phoenix Indian Medical Center which is the regional hospital located in Phoenix. There is a professional trust between our program and the health services which allows exchange and sharing of information when a child protective service case is in process. Medical information and recommendations provided by nurses and physicians help our program to be effective.

The Bureau of Indian Affairs provided advice and technical assistance when the tribal Child Protective Services was developing some years ago. Much of our professional case management and working protocols of today are based on those that were provided to us by the Bureau of Indian Affairs Social Services in our early years. We are a self-governance tribe, and so we receive self-governance funds but no actual services from the Bureau of Indian Affairs Social Services.

The United States Attorney's Office is active in the multidisciplinary term staffing that is conducted monthly here in the Community. These meetings are consistent and have been a routine for the 8 years. The U.S. Attorney's Office is cooperative and helpful to the tribal authorities in CPS cases and keeps our staffs informed about the progress of cases that are undergoing prosecution in Federal court. U.S. Assistant Attorney Janet Napolitano presented her 1996 annual Indian Country report to the tribal leaders at the Inter Tribal Council of Arizona meeting on Thursday, December 12, 1996.

The Salt River Pima-Maricopa Indian Community Police department handles all criminal investigations on the Community including Federal crimes. The Federal Bureau of Investigation, FBI investigates crimes here only if invited by the Salt River Pima-Maricopa Indian Community Police Department.

A report of child abuse is received by the Tribal Police or by the Social Services Division. An investigation then follows which determines the validity of the report. If allegations are substantiated, the case is then reviewed in a case staffing meeting by Child Protective Services and a referral is submitted to the Tribal Prosecutor's Office. The case is then staffed at a multi-disciplinary meeting and tribal Police and Child Protective Services share case information, including the outcome of a tribal court hearing, with the representatives of the U.S. attorney's office. The Federal authorities then determine whether to take up the case for Federal prosecution. Prosecution will usually take place when a crime involves sexual abuse. This process is coordinated between Federal and tribal authorities through the multi-disciplinary team meetings and telephone contacts.

With regard to this Act, I will start with Section 405 of the Act which is 25 USC 3204, "Central Registry". This section required the preparation of a study on Child Abuse in Indian Country. I am unaware of any results of this provision. To my knowledge, there has never been a study.

Section 409 of the Act, 25 USC Section 3208, "The Indian Child Abuse Treatment Grant Program," authorized the appropriation of 10 million dollars for each fiscal year 1992, 1993, 1994, and 1995. A small amount was appropriated the first year and I am unaware of any further appropriations thereafter. It is my understanding that the money was not requested from Congress. This section would have provided grants to Indian Tribes for treatment programs for child victims of sexual abuse. Such programs are desperately needed, and the Salt River Pima-Maricopa Indian Community, like other Indian communities, has had to make due with whatever funds we could find to provide treatment for these child victims.

Section 410 of the Act, 25 USC Section 3209, "Indian Child Resource and Family Service Centers" requires that the Secretary establish an Indian Child Resource and Family Services Center within each area office of the Bureau. The Secretary of the Interior and Secretary of Health and Human Services were to enter into a memorandum of agreement to provide staffing for these centers. The centers were to provide technical assistance and training for the identification, investigation and treatment of child abuse, child neglect and family violence. The Indian tribes in Arizona

and the Intertribal Council of Arizona are unaware of anything that was done to implement this section. I understand that these were simply never funded. The authorized appropriations for this section were \$3 million (\$3,000,000.00) for each of fiscal years 1992, 1993, 1994, and 1995.

Our Community receives very little technical assistance or training from either the Department of the Interior or the Department of Health and Human Services. The main source of our training and technical assistance is the Intertribal Council of Arizona, particularly its Child Protection Services Academy which is operated in cooperation with the State of Arizona. The Community also uses Self Governance or tribal funds to pay for training. Because of our good relationship with the State of Arizona Child Protective Services, our Community social workers are allowed to attend State CPS training. It is important to note that all tribes need more technical assistance and training and other tribes do not have even the resources and opportunities available to the Salt River Indian Community, in part because we are next to an urban area in the State Capitol.

Subpart (e) of Section 410 provides for a Multidisciplinary Team personnel program. The Salt River Pima-Maricopa Indian Community has received no Bureau or IHS benefits or assistance in this area. In fact, the Community had begun a Multidisciplinary Team of its own in 1986. Today there is a fine working relationship among the Community Departments and the U.S. Attorney's Office, with monthly MDT meetings. We have received no special funding for this team and no participation from the BIA or IHS.

Section 411 of the Act, 25 USC 3210, "Indian Child Protection and Family Violence Protection Program", requires the Secretary of the Interior to establish Indian Child Protection and Family Violence Programs to provide financial assistance to tribes, tribal organizations or intertribal consortiums for the development of such programs. The Act authorizes the appropriation of \$30 million (\$30,000,000.00) for each fiscal year 1992, 1993, 1994, and 1995. We have never seen any funds or activities from this program that was to be set up. It is my understanding that there has been no funding for this program and no request for such funding.

This program was to fund the investigation, treatment, and prevention of child abuse and family violence. It would have provided for the employment of staff, for training programs to child protection programs, law enforcement and judicial personnel, and the purchase of equipment to assist the investigation of child abuse and neglect. It would also have provided funding for the establishment of a family violence prevention and treatment program, with similar provisions to fund staff, shelters, assistance, training programs and construction of the facility. It would also have provided funding for the Multidisciplinary Team approach to child abuse, prevention, prosecution, treatment and counseling services.

The Salt River Pima-Maricopa Indian Community has had to build such programs piece meal as we scramble for funding. Our programs desperately need additional staff, equipment and facilities to cover the needs of our children and families.

This title is cited as "The Indian Health Care Amendment of 1990." Section 503 of this title, requires the Indian Health Service to develop a comprehensive mental health prevention and treatment program. IHS was to provide direction and guidance to Federal, Tribal, State and local agencies responsible for programs in Indian communities with regard to health care, education, social services, child and family welfare, alcohol and substance abuse, law enforcement and judicial services.

Section 209, Mental Health Prevention and Treatment Services required the Secretary of the HHS, not later than 120 days after the date of enactment, to develop and publish in the Federal Register a final national plan for Indian Mental Health Services. The section also required that the Secretary of the Interior and the Secretary of Health and Human Services enter into a memorandum of agreement within 6 months which would set forth the extent of the problem and the services needed to "ensure that Indians, as citizens of the United States and of the States in which they reside, have access to mental health services to which all citizens have access." This section also deals with staffing assessments and training programs. Authorized under this section was five hundred thousand dollars (\$500,000.00) for fiscal year 1991, and \$5 million (\$5,000,000.00) in 1992.

This title also provides for a Mental Health Demonstration Grant program and authorized appropriations for that program in the amount of \$2 million (\$2,000,000.00) in fiscal year 1991 and \$3 million (\$3,000,000.00) in 1992.

Section 307 of this title, "Indian Health Care Delivery Demonstration Project," authorized the Secretary of Health and Human Services to enter into contracts with or make grants to Indian tribes or tribal organizations to carry out a health care demonstration project in order to test alternative means of delivering services to Indians. There was authorized under this section appropriation of "such funds as may be necessary for fiscal years 1991 and 1992 for the purpose for carrying out this

section" and such funds were to remain available until expended. We are unaware of any implementation of the mental health programs as described.

For Salt River Pima-Maricopa Indian Community members, it takes months for a referred patient to see an IHS psychiatrist for an evaluation. The IHS also regularly closes down new patient intake for months at a time. We are currently in such a moratorium. It should be mentioned that once a psychiatric patient is seen and treatment recommended, they are seen regularly thereafter. In addition to the difficulty in obtaining psychiatric services, there is no IHS crisis intervention program for psychiatric crisis. If there is such a crisis, our workers are told to take the person to the IHS hospital emergency room and then the patient is sent to the County hospital or to the AHCCCS (Arizona's form of Medicaid) provider. For the Salt River Pima-Maricopa Indian Community, the State of Arizona provides more mental health services than the Indian Health Services, and the State services are woefully inadequate.

The intent of the Act is good, however, in a perfect world adequate funding to fund the implementation of the Act is Critical. In order for the Act to make a difference in the protection of families and children from all abuse(s) in our society, funding is a must.

As a Self-Governance tribe, we are making every attempt to carry out self-determination and self-sufficiency by assuming responsibility for our own welfare. At the same time we recognize the trust responsibility of the Federal Government and continue to network and continue to seek sources of funding from State and Federal entities. The end result is the client not feeling comfortable that they can live in a protected environment if we fail to fund programs as the Act prescribes. I strongly recommend all means attempts be made to carry out the Federal trust responsibility by funding the Act.

PREPARED STATEMENT OF FERRELL H. SECAKUKU, CHAIRMAN, HOPI TRIBAL COUNCIL

Thank you Chairman McCain and members of the committee. I am Ferrell Secakuku, Chairman of the Hopi Tribal Council. With me today is Angie Talayumptewa, the Hopi Tribe's child protection worker from the Hopi Children's Court. We appreciate the opportunity to be here today to share with you some of the measures that the Hopi Tribe is taking to address the problems of child abuse and family violence on the Hopi Reservation.

Child abuse is a persistent and disturbing problem on the Hopi Reservation. During each of the past 2 years, the Hopi Tribe has handled more than 200 reports of child abuse, child neglect and sexual abuse. In each of these years, more than one-half of the reports have been substantiated after investigation and referred either to the Hopi Children's Court for adjudication or to other tribal social services and behavioral health programs.

The Hopi Tribe addresses the problems of child abuse and family violence through tribal legislation, enforcement programs and service programs. The Hopi Tribe's Criminal Code provides for the maximum penalties allowed under the Indian Civil Rights Act for offenses against children, such as sexual abuse and other forms of abuse. The Hopi Tribe has also adopted a comprehensive Children's Code which addresses, among other things, reporting and investigating cases of child abuse and neglect, as well as judicial proceedings to protect victims of child abuse and neglect.

Within the past year, the Hopi Tribal Council has enacted two ordinances to protect children and families from abuse and violence. The Hopi Family Relations Ordinance provides for expedited tribal court proceedings to obtain protective orders in cases where family violence is threatened or has taken place the tribe has also adopted a Mental Health Ordinance which provides tribal court procedures for the involuntary civil commitment of individuals who pose a danger to themselves and their families because of mental disorders.

At the present time, the Hopi Tribal Council is considering amendments to the Hopi Children's Code that would, among other things, create a new Child Protective Services Program within the Hopi Tribal Social Services Program. The Proposed Child Protective Services Program would employ three full-time social workers to investigate and handle cases of child abuse and neglect in coordination with law enforcement, schools, the Tribal Courts, the Tribal Prosecutor, emergency room physicians at the IHS Keams Canyon Hospital, and the tribe's Behavioral Health Services Program. I expect that the Tribal Council will act on this proposal within the next 2 months.

In addition to this legislative framework, the Hopi Tribe provides the following services to address child abuse and family violence:

The tribe has established a Children's Court to exercise jurisdiction over child protection cases and other matters involving children;

The Children's Court provides one full-time Child Protection Worker, Ms. Talayumptewa, who, in addition to investigating and reporting to the Court on cases of abuse and neglect, supervises and monitors the children and families involved in cases that are resolved informally before adjudication;

The tribe employs 5 social services workers who supervise child abuse and neglect cases after adjudication;

The Tribal Behavioral Health Services employs 2 licensed psychologists and 5 certified social workers (masters-level) who are available to provide therapy to victims, families and offenders;

The Tribal Behavioral Health Services also provides 2 prevention educators who work in schools and communities; and a full-time prevention coordinator at the Hopi Jr/Sr High School. These prevention workers have a primary role in addressing child sexual abuse and violence;

-The Tribal Social Services Program provides a coordinator and parent-aide social worker to teach parenting skills, educate parents about abuse and neglect issues, and provide in-home support.

The Hopi Tribe has also created a multi-disciplinary team called the Child Protection Team to coordinate the handling of child abuse and neglect cases. This team consists of representatives from the Hopi Children's Court, the Navajo Nation's Dilon Agency Social Welfare Division, the IHS Keams Canyon Service Unit, the Hopi Tribal Social Services Program, the Hopi Tribal Behavioral Health Services, local schools, law enforcement and the Hopi Tribal Prosecutor's Office. This team meets monthly to review the status of child abuse and neglect cases pending before the various agencies to review the service plans that have been established for particular cases and to make recommendations on those plans and to otherwise coordinate the efforts of the various programs to better provide for the care and protection of the children who have been referred to the agencies.

These are some of the initiatives that the Hopi Tribe has taken to address child abuse and family violence. The tribe recognizes that these efforts, alone, are not enough.

One major problem the Hopi Tribe faces in addressing child abuse and family violence is the limited law enforcement resources of the BIA Hopi Agency. Approximately 9,000 people reside on the Hopi Reservation, including Hopis, Navajos, other Indians and non-Indians. This population is widely dispersed over more than 1.6 million acres of land. The BIA's Hopi law Enforcement Services, however, has only 10 law enforcement officers and one criminal investigator to serve our region. This is simply not enough manpower to effectively enforce law on the reservation. In order to fully enforce both the Federal and tribal laws regarding child abuse and family violence, the Hopi Tribe urges Congress to increase its funding and support for the BIA law enforcement services.

Also, as I said earlier, the Hopi Tribe intends to expand its effort in addressing child abuse by creating a tribal Child Protective Services program. In the Indian Child Protection and Family Violence Prevention Act, Congress recognized the need for these services and created the Indian Child Protection and Family Violence Prevention Program to provide Federal funding for such tribal efforts through the Bureau of Indian Affairs. The Bureau has recently issued the regulations governing how this program will be implemented. It is now imperative that Congress fully fund this program. Without Federal support for such programs, it will be difficult for the Hopi Tribe and other tribes to hire the qualified social workers and other professional persons needed to provide effective services.

Finally, in the Act, Congress authorized the creation of Indian Child Resource and Family Services Centers within each Area Office of the BIA. These Centers would provide technical assistance and training to tribes to better deal with cases of child abuse and family violence. Such a center would be an extremely valuable resource that could help meet the needs of the tribes in handling these difficult cases. The Hopi Tribe would like to see such a center funded and staffed within the Phoenix Area Office.

The Hopi Tribe has for many years now pursued many different methods for dealing with child abuse and family violence, including prevention education, treatment for victims and offenders and criminal enforcement. The Tribe also recognizes that the Federal Government is an essential partner in these efforts. The Hopi Tribe will continue to work with you to reach our common goal of protecting children and families from all violence. Thank you Chairman McCain.

TESTIMONY OF JANET NAPOLITANO

UNITED STATES ATTORNEY, DISTRICT OF ARIZONA

Chairman McCain and members of the Committee, I am grateful for the opportunity to speak to you this morning about the serious issue of Indian child abuse, and the United States Attorney's responsibility and efforts to prosecute crimes against children. Chairman McCain, as you and I have discussed in the past, child sexual abuse has a lasting impact not just on the victim and his or her family, but on entire communities. I commend you for your constant leadership in raising and addressing the problem of Indian child abuse and family violence and have appreciated the opportunity to work with you and the 21 Arizona Indian tribal governments to protect Indian children and their families.

The purpose of this hearing is to discuss the Indian Child Protection and Family Violence Protection Act. That statute embodies procedures to help prevent child abuse in Indian Country. The U.S. Attorney's Office handles serious abuse cases once the violence has occurred. My testimony, therefore, will address how our office handles these cases and is designed to provide you with some insight into the types of child abuse and domestic violence cases in Indian Country that federal prosecutors are pursuing.

The United States Attorney's Office for the District of Arizona is firmly committed to prosecuting all crimes against children, including child exploitation, physical, and sexual abuse. Unfortunately, as I have reported to you in the past, our office has seen a troubling rise in gang-related crimes and in the number of juveniles committing violent felony assaults including murder. Therefore, our Office Policy Manual clearly states "Homicides, child sex abuse and gang related crimes should be given absolute priority by the Assistant U.S. Attorney assigned."

The United States Attorney's Office for the District of Arizona is responsible for prosecuting all federal crimes, including major crimes on Indian reservations. With the recent passage of the 1994 Crime Bill, our office is also responsible for prosecuting cases under the Violence Against Women Act [VAWA] statutes. The U.S. Attorney's Office currently has 54 criminal attorneys in Phoenix and Tucson; twenty are assigned to prosecute violent crimes on the 21 Arizona Indian reservations. Some of these attorneys are also responsible for prosecuting other federal offenses such as bank robberies, gun violations, and drug crimes. At least ten prosecutors, however, spend virtually all of their time on crimes in Indian Country. I have specifically designated one attorney to act as a liaison between our office and the 21 Arizona Indian tribal governments. Our office also has a permanent Victim Witness Office with two full-time Victim Advocates, both of whom are Native Americans. The Advocates are responsible for assisting victims as they participate in the federal criminal justice system. And with the assistance of VAWA funds, we were recently able to hire one full-time counselor to deal with victims of family violence. Also a Native American, she will join our office in January.

To assess the Office's progress in meeting its responsibilities to Indian Country, my office has established a yearly Indian Country Report. The Report documents the number of Major Crimes that our office has prosecuted per Indian tribe and highlights initiatives, programs, and resources dedicated strictly to combating Indian Country crimes. The most recent report was issued in October. The

Report was sent to all Arizona Indian tribal governments and law enforcement agencies. I have also provided the Report to you. This Report covered the period from July 1995 to July 1996 and was dedicated to two tribal police officers who died in the line of duty, Ronald Eugene Kelley and Sgt Hoskie Gene.

As you can see from the Report, from 1995 to 1996, our office handled 510 major crimes in Indian Country including child abuse, murder, rape, assault, manslaughter, and various other serious felonies. This is an increase of 32 cases from 1994 to 1995. The prosecution of child abuse cases per Indian tribe range from zero to 62 (Indian tribes in Arizona vary greatly in terms of population and geographic area). In total, our office handled 184 child abuse cases arising in Indian Country.¹ This is a rise of 69 cases from our Report for 1994 to 1995 which documented 115 child abuse cases upon which action was taken. In response to these numbers, Assistant U.S. Attorneys have been extremely effective in the prosecution of child sex crimes, child physical assault cases, and homicides with children as victims.

The bulk of Indian child abuse cases prosecuted in the District generally fall into three categories: child sexual abuse, child physical assault resulting in substantial or serious bodily injury, and child homicide.

1. **Child Sexual Abuse.** The District of Arizona regularly prosecutes a wide variety of child sexual abuse cases, including those involving rape, fondling and molestation. Some examples of recent child sexual abuse prosecutions include:

United States v. Percy Mark Miguel: The defendant was convicted by a jury of abusive sexual conduct. He was sentenced to imprisonment for three years and five months with three years supervised release. He was employed from March 1988 to November 1994 by Save the Children Federation in Phoenix and was terminated upon conviction.

United States v. Harold Wayne Kinney: The defendant was a bus driver for a Head Start Program. He pled guilty to aggravated sexual abuse and was sentenced to two years and three months imprisonment, three years supervised release, and ordered to have no contact with minor children.

United States v. Michael James Goseyun: The defendant sexually abused his niece over a period of years from the time she was seven until she turned twelve. The abuse included intercourse. The victim only disclosed the abuse to her aunt who did not protect her. Years later she disclosed some of the abuse to others but she was suicidal and reluctant to testify. The defendant pled guilty to aggravated sexual abuse, a

1. The 184 cases "handled" include the following: 24 declinations, 84 indictments, complaints or informations filed, 57 criminal dispositions (where the defendant has pled, been tried or sentenced), and 19 cases still under review.

felony charge. He was sentenced on June 11, 1996, to 97 months imprisonment, to be followed by five years supervised release. He was ordered to register as a sex offender, to participate in sex offender treatment, to have no contact or attempts to contact the victim, and to have no contact with children under the age of 18 without prior permission of the Probation Officer.

United States v. Robert Romo: The defendant pled guilty to aggravated sexual abuse of his adopted son, who was less than 12 years old. He was sentenced on May 13, 1996, to 6 years and 8 months in custody, followed by five years supervised release. He is required to register as a sex offender, to participate in a mental health program and sex offender treatment, and have no contact with children less than 15 without prior permission of the Probation Officer. Romo is also prohibited from living in a residence where there are any children under the age of 15 years.

United States v. Frank Celstine: The defendant was a 61-year-old bus driver and school health aid for San Simon Elementary School. The 10-year-old victim rode the defendant's bus and visited him in the nurse's office at school. The defendant started giving the victim money. He then touched her under her clothes in the genital area. The defendant pled guilty to one count of aggravated sexual abuse, and was sentenced on March 25, 1996, to 78 months imprisonment to be followed by five years supervised release. Among the conditions of release are that the defendant participate in sex offender treatment, register as a sex offender, and not contact the victim.

United States v. Roy Smith: This case was the first Safe Trails Task Force case to go to trial. Smith abducted a 10-year-old and a 9-year-old from their grandparents' home. He took the children to a remote area of the reservation and repeatedly raped the 9-year-old throughout the 12-hour abduction. He was tried and convicted and sentenced to 25 years imprisonment, 5 years on supervised release, and ordered to pay a \$1000 fine and restitution.

Traditionally, the District of Arizona has led the country in the prosecution of child sexual abuse cases, which constitute the large majority of our cases involving children. We have opened as many cases since 1993 as were opened in any 3-year period since 1985. Since 1993, our case openings have constituted from 15.64% to 23.58% of all cases opened in the country. In that period, our filings have constituted from 20.26% to 23.48% of the national total.

2. Child Physical Assault. The District of Arizona prosecutes a variety of physical assaults upon children including kidnapping, assault with a dangerous weapon, and assault resulting in serious or substantial bodily injury. Some examples of the physical assault cases involving children as victims include:

United States v. John Doe: The defendant, a juvenile gang member, used a sawed-off shotgun to shoot a teenage girl in the face during a drive-by shooting.

Fortunately, the victim's injuries were not life-threatening (although one shotgun pellet penetrated her cheek and struck her tongue) The juvenile was tried and found guilty of two acts of juvenile delinquency. He was sentenced to 3 years in the custody of the Bureau of Prisons.

United States v. Dennison Etsitty: Etsitty kidnaped and assaulted with a dangerous weapon a 17-year-old Navajo girl and a 14-year-old Navajo boy on the Navajo Indian Reservation. Etsitty was found guilty of these crimes and was sentenced to 99 months imprisonment

United States v. Erik Joe: In this case the defendant threw a screwdriver at his eight-year-old son after he became upset with the boy. The screwdriver struck the young victim in the head just above the right ear. The screwdriver pierced the upper portion of the ear and penetrated the skull of the boy causing neurological damage. The defendant then proceeded to persuade his wife (the mother of the boy) not to tell police authorities what had occurred. The defendant was charged and convicted of Assault with a Dangerous Weapon and Intimidating a Witness and was sentenced to 24 months imprisonment followed by a three-year term of supervised release.

Federal jurisdiction in the area of child abuse is limited to felony physical assaults and serious injury cases. Therefore, this office does not have authority to prosecute cases involving child neglect or endangerment.

3. Child Homicide The Indian Country Report shows that a total of 71 Indian Country murder cases were presented to our office. Among the murder cases handled by our office, there are a disturbing number which include children as victims and juveniles as defendants. Some recent examples of child homicide cases include:

United States v. Juvenile The juvenile came into possession of a loaded .22 caliber pistol. After firing one of the bullets, he unloaded the gun and put the bullets in his pocket. He went around the neighborhood aiming the gun at children and pulling the trigger. He reloaded the gun, aimed it at the chest of a child, and pulled the trigger. The gun did not fire. He put the gun up to a 7-year-old's forehead and pulled the trigger. The child died of a gunshot wound to the head. The District Court adjudicated the juvenile delinquent based on involuntary manslaughter. He was placed on probation and ordered into residential treatment.

United States v. Orlando Yazzie: The defendant was charged with first degree murder, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, and related gun violations. The defendant, seeking revenge against an adult individual who had just assaulted him, obtained a 9 mm semi-automatic handgun and drove 20 miles to the trailer where he thought the adult lived. He walked up to the trailer house, slammed open the front door, and

opened fire into the front room where four children were sleeping. The defendant killed a twelve-year-old boy and seriously injured a fourteen-year-old boy. The defendant was convicted after trial on all counts. He is currently awaiting sentencing and is facing a term of life imprisonment.

United States v. Timothy Cromwell: This case is a gang-related beating death of a 15-year-old by then 17-year-old Cromwell and two other juveniles. Cromwell forced the victim over a 30 foot cliff and continued the assault on the ground below. He also attempted to carve a warning to the other gang on the victim's chest. Cromwell was treated as an adult, pled guilty to Second Degree Murder, and was sentenced to 31 years.

United States v. Dean Alton Manuel et. al.: This is a child rape and murder case. The defendants kidnaped, sexually assaulted, and murdered a 14-year-old Native American girl. As a result of guilty pleas to Second Degree Murder and Kidnaping, Manuel was sentenced to 35 years imprisonment and Adam Dominguez was sentenced to 33 years imprisonment. As a result of a guilty plea to Aggravated Sexual Abuse, Norman Thomas was sentenced to 22 years imprisonment. In addition, one of the defendants was tried and sentenced as a juvenile after the government's request to transfer the case to adult court was denied.

United States v. Gerald Lee: This charge arises from the violent death of Trina Lee, a six-month-old female and daughter of the seventeen-year-old defendant, Gerald Lee. The child suffered from hemorrhages in the head and multiple skull fractures. She died from blunt force trauma to the head. The defendant admitted to foreseeably striking the baby in the head after he became frustrated with her crying while he was home alone with the infant. The defendant was transferred to adult status for prosecution and pled guilty to Second Degree murder. The defendant was sentenced to 9 years in prison.

As you can imagine, these cases are often difficult and emotional. However, the Assistant U.S. Attorneys assigned to these cases continue to demonstrate their commitment to vigorous prosecution.

It is important to keep in mind that the U.S. Attorney's Office may only see the tip of the problem. Our Office can only respond when the criminal complaint or report meets the criteria for prosecution under the Major Crimes Act. In the instances where we do receive complaints that fall short of that criteria, we work with the affected tribe's investigators, prosecutors, and social service providers, the FBI, and BIA, often through a Multi-Disciplinary Team to ensure that those incidents are responsibly addressed, either through the tribal judicial system or otherwise.

Proactive Steps the District of Arizona Has Taken to Improve Its Prosecution of Cases in Indian Country

The Indian Country Report reveals, at best, that the problem of child abuse in Indian country has remained constant. In Arizona, while we will continue to live with the scars from cases like Boone, Todd, Hadely, and those I have mentioned today, there are also valuable lessons to be learned from those traumatic experiences. When I took this position, I implemented office policies and Indian Country initiatives in the hopes that we will not have to relive those tragedies. Let me share with you a couple of these initiatives.

1. The establishment of Multi-Disciplinary teams to combat child sexual abuse.

In cooperation with tribal leaders, we have pursued a multi-disciplinary team (MDT) approach to combat child sexual abuse in Indian Country. Each MDT is comprised of an Assistant U.S. Attorney, a tribal prosecutor, law enforcement officers, social service workers, and, where appropriate, others such as health care professionals and school representatives. These MDTs meet on a regular basis to discuss and screen allegations of child abuse. By meeting on a regular basis the group is able to monitor a case after a charging decision is made and is kept informed of the case status. This team approach to investigating and prosecuting child abuse cases helps minimize trauma to victims by ensuring that investigations are done in a timely manner, that investigations are complete, and that the investigations are coordinated among the responsible agencies. This MDT method has been utilized and highlighted for its effectiveness by many state district attorneys across the country. Currently, there are eighteen MDTs operating in Arizona Indian country.

2. The creation of specialized sections within the United States Attorney's Office.

When I became United States Attorney in July 1993, I saw a way to make criminal prosecution more effective and efficient by reorganizing the criminal prosecutors into sections. I broke the criminal section into three groups: intake, which screens a great majority of the cases that are referred to the office; group 1, which handles violent crimes, including child abuse and domestic violence cases; and group 2, which handles white-collar crime cases, and OCDETF which is the major drug unit.

This reorganization allows the career prosecutors to specialize and develop expertise in certain areas. For instance, this Office has a number of prosecutors who devote most of their time to prosecuting child sexual abuse cases. Those prosecutors are in a far better position to evaluate and pursue a sexual abuse case than a prosecutor who only handles such cases on an occasional basis. Furthermore, the sensitive nature of child sex cases and the difficult legal issues involved in those cases make it advantageous to develop experts who can bring experience and a base of knowledge to bear so that the cases are prosecuted as vigorously and effectively as possible.

3. The creation of the Safe Trails Task Force to improve law enforcement investigative efforts in Indian Country.

In early 1994, my office, in cooperation with the FBI and Navajo Department of Public Safety, created a Violent Crime Task Force comprised on 12 Navajo criminal investigators and five FBI agents. This Task Force, used as a model in other parts of the country, teams Navajo criminal investigators and FBI agents to investigate homicides, child sex abuse cases, and gang related activity on the Navajo Reservation. The Navajo criminal investigators have received training at the FBI academy in Quantico, Virginia. In addition, the FBI has provided six four-wheel drive vehicles, cellular phones, fax machines, radio communications, photographic and video equipment as well as crime scene investigation kits for use by the Task Force. The Task Force has been extremely successful and implementation of this concept on other reservations is anticipated. Navajo Public Safety Director David Nez stated that the Task Force has eliminated duplication of paperwork and reduced the time for prosecution from an average of two years to about three months. From July 1995 to July 1996, the Task Force investigated 135 sexual assault cases and 61 homicides and serious assaults. With the assistance of the White Mountain Apache Tribe we have just begun another Task Force for that area.

4. Child abuse training efforts by Assistant U.S. Attorney.

I have encouraged Assistant U.S. Attorneys to participate in training on issues important to Arizona Indian Country. For example, several Assistant U.S. Attorneys have conducted training within their designated MDT's and at seminars at various law enforcement facilities and at conferences including the annual Four Corners conference held in Durango, Colorado for social workers, tribal prosecutors and other related personnel. Our office will conduct training on the federal mandated reporting law, including P.L. 101-630 and other legal issues, at the upcoming tri-state conference sponsored by the Arizona Inter Tribal Council.

5. Implementation of the Violence Against Women Act.

Children exposed to domestic violence are the victims of domestic violence. Every effort is being made to implement the federal provisions recently enacted not only to protect the women victimized by domestic violence, but their children as well.

The Violence Against Women Act provides federal tools for prosecuting individuals who possess firearms in violation of valid court orders (usually resulting from domestic violence situations) and for crossing state or Indian country lines with the intent to violate a valid protective order. This federal law also prohibits an individual from causing a spouse or intimate partner to cross state lines or enter or leave Indian Country by force, coercion, duress or fraud or to cause bodily injury to the person's spouse or intimate partner as a result of that conduct.

The U.S. Attorney's Office has aggressively communicated VAWA's new provisions to various communities and encouraged inter-agency cooperation. Because VAWA prosecutions

typically involve a number of different agencies on any single case, i.e. tribal, state, federal, there was a need to educate and inform law-enforcement personnel throughout the state. In that regard, I wrote approximately 400 law enforcement and/or judicial personnel throughout Arizona. This letter discussed VAWA and gave the reader a contact in the U.S. Attorney's Office. The letter resulted in numerous inquiries, by phone and letter, and our office has responded to all such inquiries. We have already conducted eleven VAWA training sessions in Indian country and two more are currently scheduled. In addition, an Assistant U.S. Attorney has been designated as our VAWA coordinator. Several VAWA prosecutions are under review and we anticipate more in the coming year.

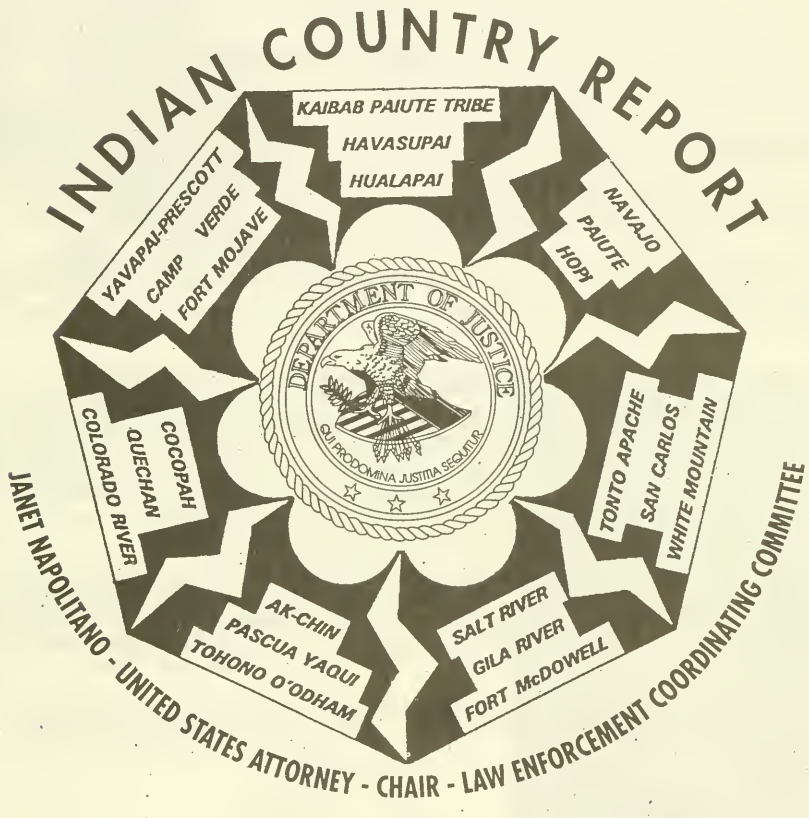
Conclusion

The lawyers in the United States Attorney's Office for the District of Arizona work long and hard to prosecute to the fullest extent of the law those individuals who victimize children. But they cannot do it alone. We must be ever vigilant in continuing to work with the individual tribal governments, their law enforcement, social services, and other Federal investigative agencies. We must all do our part in educating society about the impact of these serious crimes.

Again, I appreciate the invitation to provide the Committee with testimony on this important matter, and will answer any questions that you may have.

UNITED STATES ATTORNEYS OFFICE

1 9 9 6
L.E.C.C.



DISTRICT OF ARIZONA

U.S. Department of Justice

United States Attorney
District of Arizona4000 U.S. Courthouse
230 North First Avenue
Phoenix, Arizona 85025(602) 514-7500
FAX: (602) 514-7696

October 15, 1996

Dear Tribal Leaders:

This annual Indian Country Report for the District of Arizona covers the period from July 1, 1995 to July 1, 1996. The Report's purpose is to demonstrate the scope and depth of our Office's commitment to serving Indian Country in matters involving criminal justice.

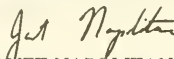
The Department of Justice, through the United States Attorney for the District of Arizona, is responsible for the prosecution of all major crimes in Arizona Indian Country as well as other crimes between Indians and non-Indians. The prosecution of violent crimes in Indian Country is one of our highest enforcement priorities, especially where children are victims.

Crime in Indian Country is ever changing. Homicide and child sex abuse remain our two top priorities. In the past year, however, we have seen a dramatic increase in gang-related crimes and in the number of juveniles committing serious violent crimes. In response, we have assembled special anti-gang teams on the Gila River, Salt River, and Navajo Reservations. This summer, we indicted the first gang case in Indian Country using the federal anti-racketeering statutes. Through our Special Assistant for Tribal Relations, Joe Lodge, as well as the efforts of the Department of Justice, we have increased our efforts to inform you of Justice Department grants and other programs that may be available to assist you in the area of juvenile crime prevention. And, as the next year progresses, we will continue to focus on juvenile crime that affects the safety of those who live in Indian Country.

In addition to the gang project and the emphasis on juvenile crime, the 1996 Report details other aspects of the District of Arizona Indian Crime Initiative, none of which could have been undertaken without your support. These programs include the new project on domestic violence, the Tribal Courts Partnership Projects, the Safe Trails Task Force on the White Mountain Apache Reservation, the establishment of the Arizona Tribal Prosecutors Association, and the Arizona Court Forum.

I encourage you to read this Report with care and to address any questions or comments to me. I look forward to our continued collaborative efforts in working to reduce crime in Indian Country.

Yours very truly,


JANET NAPOLITANO
United States Attorney
District of Arizona

JN/lrh

MEMORIAL



Sergeant Ronald Eugene Kelley was a law enforcement veteran of nearly twenty years. He began his career as a police officer in 1976 with the Avondale Police Department. He served as a member of the Kearny and Goodyear Police Departments and was the interim Police Chief for the El Mirage Police Department.

On June 29, 1995, he began as a Patrol Officer for the Ak-Chin Indian Community Police Department. He quickly rose through the ranks and was promoted to Sergeant within 3 months of his initial hire. On November 20, 1995, while responding to a request for assistance by Pinal County Sheriff's Deputies he was passed by a vehicle traveling over ninety miles per hour. Sergeant Kelley pulled the vehicle over and demanded the operator's driver's license. When he noticed the license was fictitious, he was shot three times by the suspect. He died soon after. He leaves his wife and five surviving children.

For the ultimate sacrifice in the pursuit of public service, this Report is dedicated to Sergeant Ronald Kelley.

For the last three years of his life, Hoskie Gene proudly served his people as a member of the Navajo Nation Department of Public Safety. In the Kayenta District where he was stationed, he had been recently designated an Acting Sergeant and mostly worked the night patrol. He was an admired father to his five children and a thoughtful son and brother, who lived where he had been raised in Pinon, Arizona. In the early morning hours of January 6, 1996, while responding to a call of a burglary in the Inscription House area of the Navajo Reservation, Sergeant Hoskie Gene was killed by two suspects who were fleeing from the burglary. His dedicated service and good humor will be missed by all who knew and relied on him.

For the ultimate sacrifice in the pursuit of public service, this Report is dedicated to Sergeant Hoskie Gene.



SPECIAL RECOGNITION



On June 22, 1996, three Arizona law enforcement officers were honored at the Department of Justice's 44th annual awards ceremony in Washington, D.C. Detective Sgt. Karl Auerbach and Detective Juan Arvizu of the Salt River Pima Maricopa Indian Community were honored with the highest award of the Department of Justice, the William French Smith Award for outstanding contribution to cooperative law enforcement. The Justice Department recognized the work of Auerbach and Arvizu with the United States Attorney's Office in solving and obtaining convictions in a string of gang related homicides on the reservation in 1994 and 1995. Special Agent James Brown of the FBI received the Attorney's General Award for exceptional service in connection with his investigative work on the Navajo Reservation, particularly in child sex abuse and homicide cases. We salute these officers and all other members of the law enforcement community who work to keep Indian Country safe.

I. INDIAN COUNTRY CRIME INITIATIVES

A. NEW INITIATIVES

1. Multi-disciplinary Gang Teams: The growth in the number of Indian youth gangs is a serious concern in Arizona. A recent FBI survey documents 177 gangs operating on 14 of our 21 reservations. Three reservations, Navajo, Gila River, and Salt River, have experienced significant amounts of gang related violent crime. The United States Attorney's Office has instituted a multi-agency group to be implemented on these reservations. These groups, known as multi-disciplinary gang teams (MDGT's), include representatives from the U.S. Attorney's Office, FBI, BIA, Tribal Police, Tribal Prosecutors and HUD. Each of these groups have been asked to form and execute an effective gang strategy^{*} for their particular reservation. In addition, the United States Attorney's Office in cooperation with the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice has contracted with outside law enforcement consultants to visit these three reservations and make an individual assessment of each reservation's gang problem. This report will be used to help tribal and federal law enforcement officials develop a comprehensive strategy to combat criminal gang activity.

2. Domestic Violence: The Violence Against Women Act (VAWA) is part of the Violent Crime Control and Law Enforcement Act of 1994. It provides federal tools for prosecuting domestic violence in situations involving firearms or interstate (and across Indian country) travel or activity. VAWA funds are allocated to the Department of Justice to distribute to various communities to assist in addressing domestic violence and prosecuting federal domestic violence offenses.

The U.S. Attorney's Office has become proactive in communicating VAWA's new provisions to various communities and encouraging inter-agency cooperation. Because VAWA prosecutions typically involve a number of different agencies on any single case, i.e. tribal, state, federal, there was a need to educate and inform law-enforcement personnel throughout the state. In that regard, the U.S. Attorney wrote approximately 400 law enforcement and/or judicial personnel throughout Arizona. This letter discussed VAWA and gave the reader a contact person in the US Attorney's Office. The letter resulted in numerous inquiries, by phone and letter, and our office has responded to all such inquiries. We anticipate an increased emphasis on VAWA in the upcoming year.

The United States Attorney assigned two Assistant United States Attorneys to handle active VAWA cases and to provide training to the community. For more information regarding the Violence Against Women Act call AUSA Sharon Novitsky in Phoenix at (602) 514-7500 or AUSA Susan Via in Tucson at (520) 620-7300.

3. Victim Witness Services: The United States Attorney's Office has enhanced its comprehensive services to victims and witnesses in Indian country. During 1995-96, three Victim Witness Advocates, Mary Williams and Vera Nobel of Phoenix and Dori Arter of Tucson served over 440 victims and witnesses, while initiating three new services.



Victims of sexual assault are now counseled with the help of an information packet on sexually transmitted diseases. Sexual assault can be an extremely traumatic experience and survivors have been hurt both physically and emotionally. In order to protect the victim's health, the brochure is designed to provide information about sexually transmitted diseases and the availability of medical and counseling services.

Victims of federal offenses occurring in Indian country are also entitled to restitution. This process of reimbursing a victim for financial loss caused by the defendant is an important aspect of repairing damage done to victims. The defendant may be ordered to pay for lost income, funeral expenses, counseling, lost or damaged property and other expenses incurred as a result of the crime committed by the defendant. The Victim/Witness office of the U.S. Attorney works closely with victims to ensure the victims are compensated for their losses.

In Tucson, the Victim Witness Advocate is participating in a pilot program with the United States Probation Office, taking a team approach to restoring justice for victims of violent crimes in Indian Country. The team meets with victims during the preparation of the Pre-Sentence Report. This allows the supervising officer not only to be aware of the impact of the crime, but also to recommend specific conditions of release and establish a rapport with the victim. The VWA is also working with the Tohono O'Odham Nation's Victim Witness Program to create a "Crisis Response Program" to help meet the needs of victims in a more timely and effective manner, and is anticipating the formation of a grief support group in the near future.

If you would like any further information regarding our victim witness services, please contact one of our offices. In Phoenix call Mary Williams and Vera Nobel at (602) 514-7500; in Tucson Dori Arter can be reached at (520) 620-7300.

4. Tribal Courts Partnership Project: The United States Attorney's Office and the Department of Justice have worked closely in the development of the Tribal Court-Department of Justice Partnership Project. The goal of the partnership project program is to strengthen tribal justice systems and particularly its abilities to respond to family violence and juvenile issues. The United States Attorney's Office is committed to working with the 8 designated partnership projects in Arizona to assist its court systems, as requested, and to create technical assistance and training opportunities. The tribal court partnership projects in Arizona are: Fort McDowell, Fort Mohave, Hopi, Navajo, Quechan, Salt River, White Mountain and Yavapai.

The tribal court partnership projects have been preliminarily approved to receive grants under the Stop Violence Against Women Discretionary Grant Program. The purpose of the program is to develop and strengthen the response of tribal justice systems to violent crimes committed against Indian women. Most partnership project tribes will receive up to \$84,000.

5. White Mountain Apache Operation Safe Trails: In May 1996, the United States Attorney's Office for the District of Arizona, BIA and White Mountain Apache Police Department organized an Operation Safe Trails task force. This task force, modeled after the success of the Navajo Safe Trails Task force, teams White Mountain Apache Criminal Investigators, FBI agents, and BIA agents to investigate homicides, child sex abuse cases, and gang related criminal activity on the White Mountain Apache Reservation. The White Mountain Criminal Investigators will receive training at the FBI Academy at Quantico, Virginia. In addition, the FBI has provided two vehicles, radios, and cellular phones to the tribe.



6. Grant Programs: The United States Attorney's Office has been working closely with the Department of Justice's Office of Justice Programs in order to insure that tribes are aware of the availability of grant programs for crime prevention and other purposes. The United States Attorney's Office recently forwarded a list of all available programs with points of contact, phone numbers, and deadline dates to tribal leaders and to the Inter Tribal Council of Arizona.

7. Arizona Tribal Prosecutors Association: The U.S. Attorney's Office, in conjunction with tribal prosecutors, has formed the Arizona Tribal Prosecutors Association. This group provides a forum for prosecutors from all reservations to discuss issues of mutual concern. Last year the group incorporated, adopted by-laws and elected officers. The group has already met several times and discussed issues ranging from Peacemaker Courts to tribal extradition procedures.

8. Arizona Court Forum: The United States Attorney's Office is a member of the Arizona State, Tribal and Federal Court Forum whose members gather together to foster mutual understanding, while recognizing the similarities and differences among each other's courts and legal systems. The forum is designed to promote improvement in the quality of justice through judicial education, professional court administration and education of attorneys. In addition, the forum provides respect for and recognition of the judicial proceedings and judgment among the three court systems.

B. NEW CONFERENCE AND TRAINING SESSIONS

1. Arizona Indian Gaming Seminar: In February of 1996, the United States Attorney's Office, together with the Arizona Indian Gaming Association and the Arizona Department of Gaming, hosted the inaugural Arizona Indian Gaming Seminar in Phoenix, Arizona. The Conference was especially designed for executive directors and security directors of Indian casinos and focused on the investigation and prosecution of crimes in tribal casinos. Each of Arizona's twenty-one tribes sent representatives to the seminar. Janet Napolitano, United States Attorney for the District of Arizona, stated, "This seminar is an example of our office's continued commitment to ensure that Indian casinos do not fall prey to the criminal element."

The seminar included presentations on federal statutes applicable to Indian crimes, organized crime in the gaming industry, and analysis of evidence in gaming related crime. The seminar was highlighted by a presentation which outlined the different ways casinos may be cheated.

In addition, regulators from the Nevada Gaming Control Board and the Arizona Department of Gaming discussed regulatory issues which are common to all casinos.

2. Tribal Rangers' and Fish and Wildlife Officers' Training: In May of 1996 the United States Attorney's Office conducted a training conference for Tribal Rangers and Fish and Wildlife Officers. The conference included presentations by Assistant United States Attorneys on various topics including jurisdiction in Indian country, search and seizure, and the Archeological Resources Protection Act (ARPA). In addition, special agents from the Environmental Protection Agency and the United States Fish and Wildlife Service provided instruction on the Environmental Protection Act and the Lacey Act as it pertains to Indian country.



C. CONTINUING INITIATIVES

1. Navajo Safe Trails: In early 1994, the U.S. Attorney's Office, District of Arizona, in cooperation with the FBI and Navajo Department of Public Safety, created a Violent Crime Task Force comprised of 12 Navajo criminal investigators and five FBI agents. This Task Force, used as a model in other parts of the country, teams Navajo criminal investigators and FBI agents to investigate homicides, child sex abuse cases and gang related activity on the Navajo Reservation. The Navajo criminal investigators have received training at the FBI Academy in Quantico, Virginia. In addition, the FBI has provided six four-wheel drive vehicles, cellular phones, fax machines, radio communications, photographic and video equipment as well as crime scene investigation kits for use by the Task Force. The Task Force has been extremely successful and implementation of this concept on other reservations is anticipated. Navajo Public Safety Director David Nez stated that the Task Force has eliminated duplication of paperwork and reduced the time for prosecution from an average of two years to about three months. From July 1995 to July 1996, the Task Force investigated 135 sexual assault cases and 61 homicide and serious assaults.

2. Operation Heritage: Since July of 1994, the U.S. Attorney has designated three Assistant United States Attorneys to prosecute cases under the Archeological Resource and Protection Act (ARPA). Operation Heritage is designed to stop the desecration and theft of religious artifacts and archeological items from Native American and public lands. As of the date of this publication, 16 individuals have been indicted and charged with ARPA related offenses. This record includes the conviction of 11 individuals, the seizure of 5 vehicles, and the repatriation of a number of artifacts, including over one ton of petroglyphs to the Kaibab National Forest.

In February of 1996, the U.S. Attorney renewed her commitment to the prosecution of ARPA offenses. Operation Heritage II is now well under way, involving a number of Rangers from the different Tribes and law enforcement from the BIA. We intend to remain a leader in this area of prosecution and, as in the past, continue to broadcast the use of a 1-800 number (1-800-VANDALS) to aid citizens in reporting ARPA violations.

3. Indian Gaming Law Enforcement Task Force: The United States Attorney's Office for the District of Arizona continues to be in the forefront in the area of Indian Gaming. The U.S. Attorney's Office has aggressively pursued criminal violations associated with gaming to assure that gaming is crime-free and that the Tribes, themselves, do not become victims of crimes such as fraud or embezzlement. Assistant United States Attorney Joseph Lodge continues to chair the Indian Gaming Law Enforcement Task Force, comprised of members from the FBI, Customs, Secret Service, U.S. Marshal's Service, Internal Revenue Service, tribal law enforcement officials, BIA law enforcement officials, and representatives of the State Gaming Commission. The Task Force meets every eight weeks to discuss law enforcement issues relating to Indian Gaming. The Task Force provides a unique forum for discussion and the opportunity for periodic meetings between Federal and Tribal law enforcement officials.

4. Multi-Disciplinary teams: The United States Attorney's Office for the District of Arizona, in cooperation with tribal leaders, has pursued a multi-disciplinary team approach to combat child sexual abuse in Indian Country. There are eighteen MDTs in place in various Indian communities within the district. Each MDT is comprised of an Assistant U.S. Attorney, tribal prosecutor, law enforcement officers (FBI, BIA and tribal police), BIA or tribal social service workers and, in some



instances, tribal health care professionals, court counselors, juvenile group home directors or a school representative. MDTs meet on a regular basis to discuss and screen child abuse allegations. Team members are apprised of the status of any investigations and participate in the decision whether to pursue tribal prosecution, federal prosecution, both or neither. By meeting on a regular basis the group is able to monitor a case after a charging decision is made and is kept informed of the case status at the tribal or federal level. This team approach to investigating and prosecuting child abuse cases helps minimize trauma to victims by ensuring that investigations are done in a timely manner, that investigations are complete, and that the investigations are coordinated among the responsible agencies. Moreover, this system provides for the early detection and processing of criminal cases and identifies early on the needs of victims of child sexual abuse.



II. INDIAN COUNTRY - DISTRICT OF ARIZONA MDT REPRESENTATION

The U.S. Attorney for the District of Arizona has assigned a number of attorneys to act as liaisons ("district attorneys") for the various Indian communities the office serves. These designated attorneys from the Violent Crime Section have been assigned different Indian reservations or divisions within the reservations and have responsibilities to conduct MDT meetings.

Attorneys in Phoenix may be reached at (602) 514-7500 or 1-800-800-2570.

Attorneys in Tucson may be reached at (520) 620-7300.

INDIAN COUNTRY	CONTACT ASSISTANT UNITED STATES ATTORNEY
Cocopah Quechen	Paul Rood / Wally Kleindienst / Tom LeClaire
Colorado River	Paul Rood / Wally Kleindienst
Fort McDowell	Diane Humetewa / Pat Schneider
Fort Mojave	Paul Rood / Wally Kleindienst
Tonto Apache Yavapai-Prescott Yavapai-Apache	Joe Welty / Wally Keindienst
Gila River Ak-Chin	Sharon Novitsky / Pat Schneider / Wally Kleindienst
Havasupai Hualapai Kaibab-Paiute	Fred Battista / Joe Welty / Tom Hannis / Paul Rood
Hopi	Tom LeClaire / Diane Humetewa
Navajo -	
Chinle	Vince Kirby / Sharon Novitsky / Tom Simon / Joe Welty
Dilkon	Tom LeClaire / Tom Simon / Mike Morrissey
Ft. Defiance/Ganado	Tom Simon / Fred Battista / Mike Morrissey
Kayenta/Tuba City	Paul Rood / Mike Morrissey / Joe Welty
Pascua Yaqui	Susan R. Via / Jesse Figueroa (Tucson)



San Juan Paiute	Tom Simon / Mike Morrissey
Salt River	Joe Lodge / Pat Schneider / Sharon Novitsky / Diane Humetewa / Mike Morrissey
San Carlos	Sharon Novitsky / Fred Battista / Mike Morrissey
Tohono O'Odham	Susan R. Via / Jesse Figueroa (Tucson)
White Mountain Apache	Vince Kirby / Paul Rood / Wally Kleindienst



III. CASE STATISTICS BY TRIBE

From July 1995 to July 1996, the United States Attorney's Office for the District of Arizona handled 510 Indian Country cases involving 647 defendants. Of those cases 58% are still pending, 17% have been declined and 25% have been resolved. The summary tables listed below are in alphabetical order by Tribal name.

Tribe: Ak-Chin	
Enrolled Members: 532	
1	Aggravated Assault
1	Sexual Contact with a Minor
1	Other
3	TOTAL CASES

Tribe: Cocopah	
Enrolled Members: 730	
1	Aggravated Assault
2	Child Molest/ Sexual Contact with a Minor
3	TOTAL CASES

Tribe: Colorado River	
Enrolled Members: 3,041	
1	Murder
8	Child Molest/Sexual Contact with a Minor
6	Aggravated Assault
3	Other
17	TOTAL CASES



Tribe: Fort McDowell	
Enrolled Members: 816	
2	Child Molest/Sexual Contact with a Minor
1	Aggravated Assault
4	Other
7	TOTAL CASES

Tribe: Fort Mojave	
Enrolled Members: 956	
0	TOTAL CASES

Tribe: Gila River	
Enrolled Members: 11,550	
1	Manslaughter
10	Murder
9	Rapes
36	Child Molest/Sexual Contact with a Minor
6	Aggravated Assault
13	Other
75	TOTAL CASES

Tribe: Havasupai	
Enrolled Members: 601	
1	Child Molest/Sexual Contact with a Minor
1	Other
2	TOTAL CASES



Tribe: Hopi	
Enrolled Members: 9,486	
2	Murder
1	Manslaughter
6	Child Molest/Sexual Contact with a Minor
1	Aggravated Assault
3	Other
13	TOTAL CASES

Tribe: Hualapai	
Enrolled Members: 1,540	
1	Murder
2	Manslaughter
1	Rape
5	Child Molest/Sexual Contact with a Minor
1	Aggravated Assault
10	TOTAL CASES

Tribe: Kaibab-Paiute	
Enrolled Members: 245	
1	Rape
1	Sexual Contact with a Minor
2	TOTAL CASES



Tribe: Navajo	
Enrolled Members (in Arizona): 165,065	
30	Murder
16	Manslaughter
36	Rape
62	Child Molest/Sexual Contact with a Minor
28	Aggravated Assault
25	Others
197	TOTAL CASES

Tribe: Pascua Yaqui	
Enrolled Members: 9,639	
3	Murder
3	Rape
6	Child Molest/Sexual Contact with a Minor
2	Aggravated Assault
2	Other
16	TOTAL CASES

Tribe: Quechen	
Enrolled Members: 2,341	
1	Child Molest/Sexual Contact with a Minor
1	TOTAL CASES



Tribe: Salt River	
Enrolled Members: 5,366	
9	Murder
1	Rape
9	Child Molest/Sexual Contact with a Minor
4	Aggravated Assault
5	Other
28	TOTAL CASES

Tribe: San Carlos	
Enrolled Members: 10,542	
3	Murder
2	Manslaughter
6	Rape
12	Child Molest/Sexual Contact with a Minor
1	Aggravated Assault
6	Other
30	TOTAL CASES

Tribe: San Juan Paiute	
Enrolled Members: 209	
0	TOTAL CASES



Tribe: Tohono O'Odham	
Enrolled Members: 19,225	
8	Murder
7	Manslaughter
2	Rape
21	Child Molest/Sexual Contact with a Minor
6	Aggravated Assault
9	Other
53	TOTAL CASES

Tribe: Tonto Apache	
Enrolled Members: 97	
1	Other
1	TOTAL CASES

Tribe: White Mountain Apache	
Enrolled Members: 13,100	
5	Murder
6	Manslaughter
4	Rape
11	Child Molest/Sexual Contact with a Minor
15	Aggravated Assault
8	Others
49	TOTAL CASES



Tribe: Yavapai-Apache	
Enrolled Members: 1,180	
2	Aggravated Assault
2	TOTAL CASES

Tribe: Yavapai-Prescott	
Enrolled Members: 129	
1	Other
1	TOTAL CASES



IV. PROSECUTION HIGHLIGHTS

Sometimes, our office does not adequately communicate what happens in a case once it is accepted for prosecution. As a result, a myth develops that "nothing ever happens." This summary provides you with some information about some of the cases and what really happens to those who are convicted or who plead guilty.

AGGRAVATED ASSAULT

United States v. Dean Bryant

CHARGE: Assault Resulting in Serious Bodily Injury

The defendant severely shook his 14 month old daughter which resulted in subdural hematoma and retinal hemorrhages. As a result of a guilty plea to the charge, Bryant was sentenced to 1 year in prison with 3 years supervised release.

United States v. Louis Burnette

CHARGE: Assault with a Deadly Weapon, Assault Resulting in Serious Bodily Injury

This case involved the assaults of two adult Indians with a tire iron and car jack, resulting in broken occipital and mandible bones in the face of one victim. The defendant was sentenced to 104 months imprisonment, \$4255.53 restitution and 36 months supervised release.

United States v. Randy H. Chee

CHARGES: Kidnaping and Aggravated Assault

Chee kidnaped his estranged girlfriend from the family's car, took her to a remote area near Leupp and then assaulted her. After the assault, he drove her from Leupp to Flagstaff where he compelled her to engage in sexual intercourse. The sexual assault is being prosecuted by the Coconino County Attorney's office. On the eve of the federal trial, the victim attempted to withdraw her prior statements made to law enforcement about Chee's involvement because of her reconciliation with him. Because the government intended to proceed with the case, defendant agreed to plead guilty to aggravated assault and was sentenced to 44 months in jail. He is now appealing that sentence. This case was investigated by the Safe Trails Task Force.

United States v. Dennison Etsitty

CHARGES: Kidnaping and Assault With a Dangerous Weapon

Etsitty kidnaped and assaulted with a dangerous weapon a 17 year old Navajo girl and a 14 year old Navajo boy on the Navajo Indian Reservation. Etsitty was found guilty at trial and is awaiting sentence.

United States v. Juvenile



United States v. Juvenile

CHARGE: Assault With a Dangerous Weapon

The defendant, a juvenile (17 years old) assaulted the victim with a shotgun. After entering an admission to the charge, the defendant was sentenced as a juvenile to five years official detention.

United States v. Terry Smith

CHARGE: Aggravated Assault

Smith committed an Aggravated Assault against the victim in violation of Title 18, U.S.C. § 113(c). On September 18, 1995 the defendant pled guilty to the charges and on December 1, 1995 he was sentenced to 2 years and 6 months in prison and 3 years supervised release.

United States v. Edward Yoe, Jr.

CHARGE: Aggravated Assault

The defendant in this case was charged with two counts of Aggravated Assault arising from his assaultive contact with his 3 month old son in violation of Title 18, U.S.C. § 113(a)(6) and Title 18, U.S.C. § 113(a)(7). The defendant shook his baby causing severe injuries to the child. The defendant pled guilty to 1 count on April 10, 1996 and is awaiting sentencing.

United States v. Rayford Patch

CHARGE: Simple Assault

Patch was convicted of simple assault by the United States Magistrate Court and his conviction was affirmed by the United States District Court. The court rejected the argument that the Deputy La Paz County Sheriff had no jurisdiction to make a vehicle stop on state road within the confines of the Colorado River Indian Reservation. This case is now on appeal to the Ninth Circuit Court of Appeals.

CHILD SEX ABUSEUnited States v. Henry Bitsuie

CHARGE: Aggravated Sexual Abuse of a Child

Defendant Bitsuie was sentenced to 4½ years imprisonment in January, 1996, after pleading guilty to the charges. Bitsuie had sexually abused an 11-year-old girl near Chinle, Arizona.

United States v. Nelson Boyd

CHARGE: Abusive Sexual Contact

This case involved the sexual touching of a 6 year old girl by the defendant, her 18 year old stepbrother. Defendant entered a guilty plea to the charges and is awaiting sentencing.



United States v. Darrell Curleyhair

CHARGES: Aggravated Sexual Abuse

The defendant was charged with two counts of Aggravated Sexual Abuse after forcing sexual contact on a boy under the age of 12 on 2 occasions. The defendant plead guilty to two counts of Abusive Sexual Contact on July 8, 1996 and is awaiting sentencing.

United States v. Clarence Dee

CHARGE: Abusive Sexual Contact

This case was indicted on January 31, 1996 charging the defendant with 5 counts of Abusive Sexual Contact in violation of Title 18, U.S. C. § 2241(a)(3) for the sexual contact with a 14 year old boy. The defendant has pled guilty to 2 of the counts and was sentenced to 1 year and 4 months on each count.

United States v. Rocky DeLeon

CHARGE: Abusive Sexual Contact with a Minor

The defendant was convicted of Abusive Sexual Contact with a Minor. He was sentenced April 8, 1996 to 5 years probation with substance abuse and sex offender counseling.

United States v. Thomas Dempster

CHARGE: Abusive Sexual Contact

This case was indicted on June 15, 1995, charging the defendant with 3 counts of Abusive Contact in violation of Title 18, U.S.C. § 2244(a)(1). The defendant pled guilty to all 3 counts as charged on October 10, 1995. He was sentenced on December 18, 1995 to 3 years and 2 months prison and 3 years supervised release.

United States v. Dan Denetchee

CHARGE: Aggravated Sexual Abuse and Abusive Sexual Contact

The defendant was indicted on September 21, 1995 for 1 count of Abusive Sexual Contact and 2 counts of Aggravated Sexual Abuse. This crime arose from the defendant having sexual contact with a girl under the age of 12. This case was tried on February 27, 1996 and the defendant was found guilty of one count of Abusive Contact and one count of Aggravated Sexual Abuse and not guilty of one count of Aggravated Abuse. He was sentenced on May 16, 1996 to 4 years prison and 3 years supervised release. An appeal is pending.

United States v. Bobby Dan Goseyun

CHARGE: Aggravated Sexual Abuse

The defendant in this case was indicated on 1 count of Aggravated Sexual Abuse. The victim in this case was 11 years old and the suspect was 18. The defendant plead guilty to Sexual Abuse of a Minor and is pending sentencing.



United States v. Henry Grant, Jr.

CHARGE: Sexual Abuse of a Minor

The defendant was indicted on March 6, 1996 on 1 count of Sexual Abuse of a Minor in violation of Title 18, U.S.C. § 2243 for his sexual contact with a male child who was between the age of 12 and 16. The defendant plead to the charge and is pending sentencing.

United States v. Desmond Jim

CHARGE: Aggravated Sexual Abuse

The defendant was indicted on 3 counts of Aggravated Sexual Abuse for his sexual contact with 3 children under the age of 12. On August 31, 1995 he pled guilty to 1 count of Aggravated Sexual Abuse and on November 7, 1995 he was sentenced to 11 years and 4 months of prison.

United States v. Selwyn Johnson

CHARGE: Sexual Abuse of a Minor

Defendant impregnated the 13-year-old daughter of his girlfriend with whom he lived on the Gila River Indian Community, resulting in the birth of a child given up for adoption. He was sentenced to 4 years and 6 months imprisonment, \$1,000 fine, and 3 years supervised release. The defendant must also register as a sex offender with the county sheriff as required by state law.

United States v. Juvenile

CHARGE: Aggravated Sexual Abuse

Defendant was sentenced to 2 years and 6 months custody for his part in a multiple offender rape of a 12 year old girl. Juvenile assaulted the victim on more than one occasion.

United States v. Robert Lewis

CHARGE: Abusive Sexual Contact

This defendant fondled three nine-year-old girls in two different incidents in 1990 and 1991. The defendant has entered into a plea agreement that is expected to result in a sentence of up to 2 years and 3 months imprisonment.

United States v. Keith Litsue

CHARGE: Aggravated Sexual Abuse

This case alleged Aggravated Sexual Abuse for the defendant's contact with a 4 year old child. On August 28, 1995 the defendant pled guilty to 1 count of Abusive Sexual Contact and on December 6, 1995 he was sentenced to 1 year and 1 month prison.



United States v. Lester Parley:

CHARGES: Abusive Sexual Contact

The defendant was charged with Abusive Contact with a Minor. He was sentenced on July 1, 1996 to 1 year and 6 months in custody and 3 years supervised release with substance abuse and sex offender counseling.

United States v. Antonio Teran Ramirez

CHARGE: Abusive Sexual Contact

The defendant was a resident alien from Mexico living and working on an Indian reservation. He sexually fondled an enrolled female member of the tribe under the age of 12. He was sentenced to 10 months imprisonment, followed by 3 years supervised release and must register as a sex offender with the county sheriff as required by state law. The tribe also excluded the defendant from the reservation through tribal code provisions.

United States v. Bernardo Ramirez-Cruz

CHARGES: Aggravated Sexual Abuse

Defendant was convicted of 2 counts of Aggravated Sexual Abuse of a 5 year old female. In January 1996, he was sentenced to 27 years and 4 months.

United States v. Pahe Tsinhnahjinnie

CHARGE: Abusive Sexual Contact

The defendant was convicted at a jury trial of one count of Abusive Sexual Contact for fondling his 8-year-old stepdaughter. He was sentenced to 3 years and 2 months imprisonment, \$1500 fine, \$1656 restitution, and 3 years supervised release. The defendant will begin serving his federal prison sentence after completion of his two year tribal sentence arising from a tribal jury trial on charges involving the same victim on different dates of offense.

United States v. Wilson Wiley

CHARGE: Abusive Sexual Contact and Attempted Abusive Sexual Contact

The defendant was indicted for two counts of Abusive Sexual Contact and one count of Attempted Abusive Sexual Contact for his sexual contact with a 9 year old and 10 year old female. The defendant pled guilty to count 1 and is pending sentencing.

United States v. David Charles Wood

CHARGE: Aggravated Sexual Abuse of a Child

This case involved the anal penetration of a deaf child under 12 by her adult uncle on the Salt River Indian Community. The defendant had been prosecuted by the tribe as a juvenile four years earlier. He was sentenced to 8 years imprisonment, \$750 fine, and five years supervised release.



United States v. William Wilford Yazzie

CHARGE: Sexual Abuse of a Minor

This case involved sexual abuse of a minor by her uncle on the Colorado River Indian Reservation. Defendant had been convicted of a similar sex offense against the same victim, in a federal prosecution in 1993. After being released from a term of imprisonment, while on supervised release, defendant re-offended against the victim. His supervised release was revoked and he received a sentence of 9 additional months imprisonment. For conviction of the new offense of sexual abuse of a minor, defendant was sentenced to 10 years and 1 month imprisonment, consecutive to the supervised release revocation sentence, to be followed by 3 years supervised release.

United States v. Frank Celestine

CHARGE: Aggravated Sexual Abuse

The defendant was a 61-year-old bus driver and school health aid for San Simon Elementary School. The 10-year-old victim rode the defendant's bus and visited him in the nurse's office at school. The defendant started giving the victim money. He then touched her under her clothes in the genital area. The defendant plead guilty to one count of aggravated sexual abuse, and was sentenced on March 25, 1996, to 78 months imprisonment to be followed by 5 years supervised release. Among conditions of release are that he participate in sex offender treatment; shall register as a sex offender; and shall not contact the victim.

United States v. Raquel "Rocky" DeLeon

CHARGE: Abusive Sexual Contact with a Minor

The defendant was charged with Abusive Sexual Contact with a Minor. He was sentenced on April 8, 1996, to five years probation, with substance abuse and sex offender counseling. He must also register as a sex offender, is restricted from engaging in any occupation which would allow him contact with children, and cannot have contact with children under 18 without prior permission of Probation Officer.

United States v. Edward Michael Felix, Sr.

CHARGE: Sexual Abuse of a Minor

The 57-year-old defendant was charged with sexually abusing his granddaughter, who was under 12 years old. He pled guilty to the indictment, and was sentenced on March 27, 1996, to imprisonment for 42 months, to be followed by three years supervised release. Among his conditions of release are that he participate in substance abuse treatment; no contact with the victim in any manner; and he shall register as a sex offender.

United States v. Michael James Goseyun

CHARGE: Aggravated Sexual Abuse

The defendant sexually abused his niece over a period of years from the time she was seven until she turned twelve. The abuse included intercourse. She only disclosed to her aunt who did not protect her. Years later she disclosed some of the abuse but she was suicidal and reluctant to testify. The



defendant plead guilty to aggravated sexual abuse. He was sentenced on June 11, 1996, to 97 months imprisonment, to be followed by five years supervised release. He was ordered to register as a sex offender; to participate in sex offender treatment; to not have contact nor attempt to contact the victim; and no contact with children under the age of 18 without prior permission of the Probation Officer.

United States v. Kirk Longstreet

CHARGE: Aggravated Sexual Abuse

The defendant was charged with one count of Aggravated Sexual Abuse. He plead guilty, and was sentenced on May 1, 1996, to two years custody, followed by three years supervised release. It was also ordered that he shall register as a sex offender; participate in sex offender treatment; shall not contact the victim; shall not have contact with children under 18 without prior permission of Probation Officer; and is restricted from engaging in any employment dealing with minors.

United States v. Robert Romo

CHARGE: Aggravated Sexual Abuse

The defendant plead guilty to aggravated sexual abuse of his adopted son, who was under 12 years old. He was sentenced on May 13, 1996, to 6 years and 8 months in custody, followed by five years supervised release. He is required to register as a sex offender; shall participate in mental health program and sex offender treatment; have no contact with children under 15 without prior permission of the Probation Officer; and shall not live in a residence where there are any children under the age of 15 years.

MANSLAUGHTER

United States v. Kathryn Baldwin

CHARGE: Involuntary Manslaughter

Defendant pled guilty to Involuntary Manslaughter in January, 1996. Baldwin was driving a vehicle after drinking all day in the Chinle area. She caused a minor accident in Chinle and fled the scene. Police were notified and a few minutes later a police officer attempted to stop the pick-up truck that Baldwin was driving. Baldwin refused to pull over and sped away. She eventually lost control of the vehicle. The vehicle rolled over and killed the passenger. Baldwin was sentenced in April, 1996 to 8 months imprisonment.

United States v. Juvenile

CHARGE: Involuntary Manslaughter and Use of a Firearm in a Crime of Violence as acts of Juvenile Delinquency

This case involved a juvenile shooting another juvenile to death. The victim challenged the defendant to fight when the defendant refused to steal cars with the victim. The juvenile was sentenced to 5 years probation, with up to 1 year in the custody of the Bureau of Prisons for placement in a juvenile residential treatment program.



United States v. Davis Roger Romero

CHARGES: Voluntary Manslaughter

The defendant stabbed a close friend after an argument. He was sentenced June 3, 1996 to 3 years and 8 months custody and 3 years supervised release. Victim's family addressed the court at sentencing including a lecture in O'ODHAM given to the defendant by the victim's aunt.

United States v. Gregory Parra

CHARGE: Involuntary Vehicular Manslaughter

The defendant was charged with one count of involuntary vehicular manslaughter. He pled to the charges and was sentenced on July 29, 1996, to 16 months in custody, followed by a three-year term of supervised release. He was ordered to pay restitution to the victim's family in the amount of \$4,310. The victim's parents each addressed the Court at sentencing.

MURDERUnited States v. Johnny Art Bahe

CHARGE: 1st Degree Murder and kidnapping

On January 8, 1996, Bahe was sentenced to 144 months after pleading guilty to Second Degree Murder. This sentence was above the sentencing guideline range for Second Degree Murder because the defendant beat his girlfriend to unconsciousness, dragged her body for approximately 200 yards and then abandoned her in a hogan at the Chinle Fairgrounds, where she was discovered hours later. This case was investigated by the Safe Trails Task Force.

United States v. Winfred Cody

CHARGE: 1st Degree Murder, Use of a Gun

Defendant was at a beer party near Cameron, Arizona. Victim and defendant's friend argued through most of the night. At some point, the defendant went to his truck and fired a gun three times. The victim was hit twice and died as a result. A third shot just missed an individual who was seated in a pickup truck preparing to take the victim home. Defendant was sentenced to 15 years.

United States v. Timothy Cromwell

CHARGE: 1st Degree Murder, Aggravated Sexual Abuse

This case involved the beating death of a 15 year old by then 17 year old Cromwell and two other juveniles. Cromwell forced the victim over a 30 foot cliff and continued the assault below. He also attempted to carve a warning to the other gang on the victim's chest. Cromwell was treated as an adult, plead guilty to Second Degree Murder with a sentence range of 25-35 years. He was sentenced to 31 years.



United States v. Leander Denetso

CHARGE: 2nd Degree Murder

Leander Denetso stabbed his brother Richard Yazzie to death during a fight in front of their family home in Ganado. The defendant stabbed his brother eight times in the chest and leg, then threw the knife into the desert and told his family that "some cowboys had stabbed Richard and dumped his body." Denetso later told the police that he stabbed Yazzie in self-defense when his brother, a former Marine, was attempting to strangle him during a fist fight. A jury convicted Denetso of voluntary manslaughter. He was sentenced to 4 years.

United States v. Arlo Eschief

CHARGE: Felony Murder

Arlo Eschief was convicted of felony murder and use of a firearm during a crime of violence for his involvement in the Subway restaurant murder which occurred on May 15, 1994, at the Pavilions Shopping Center located on the Salt River Pima-Maricopa Indian Community. Brian Patrick Lindsay, age nineteen, was working alone at the restaurant at approximately 11:00 pm when three young Native American males entered the store and ordered sandwiches. When Mr. Lindsay went to ring up the purchase, one of the men pulled a gun from his waistband and shot Mr. Lindsay in the face. Mr. Lindsay fell to the floor. Thereafter, the gunman leaned over the counter and shot Brian Lindsay five more times. The young men then made off with the food, together with a bank bag containing \$100.

Despite having been shot six times, Mr. Lindsay got up from the floor, retrieved the phone and dialed 911. He then stayed on the line for four and one-half minutes until the police arrived. He would later die on the operating table.

Mr. Eschief was subsequently sentenced to life imprisonment plus five years.

United States v. Juvenile

CHARGE: 1st Degree Murder

The 17 year old juvenile is alleged to have murdered a 16 year old friend at a drinking party. Juvenile charges have been filed and the case is currently pending a transfer hearing.

United States v. John Doe, United States v. Brien Lewis and Dustin Guthrie.

CHARGE: 1st Degree Murder

John Doe, age thirteen, was adjudicated a delinquent in relation to his part in the murder of a nineteen year-old fellow member of his gang. Doe, who suspected that the nineteen year-old victim had been snitching on the gang, shot the victim three times.

Doe, Guthrie and Lewis smoked the victim's cigarettes before urinating on the victim's body and then burying it. The next night, Doe, Guthrie and Lewis returned to the field, where they dug up the body and desecrated it. The victim's body was not discovered for six weeks.

Guthrie and Lewis, although juveniles, agreed to waive a transfer hearing, be treated as adults, plead guilty to accessory after the fact to First Degree Murder, and cooperate and testify against Doe.



They each received sentences of ten years imprisonment. Doe was adjudicated a delinquent and sent to a juvenile facility.

United States v. Gerald Lee

CHARGE: 2nd Degree Murder

This charge arises from the violent death of Trina Lee, a six month old female and daughter of the seventeen year old defendant, Gerald Lee. The child suffered from hemorrhages in the head and multiple skull fractures. She died from blunt force trauma to the head. The defendant admitted to striking the baby in the head very hard after he became frustrated with her crying while he was home alone with the infant. The defendant was transferred to adult status for prosecution and plead guilty to Second Degree murder. The defendant was sentenced to 9 years in prison.

United States v. Philbert Makil

CHARGE: 2nd Degree Murder and Assault Resulting in Serious Bodily Injury.

The defendant entered a plea to Second Degree Murder and Assault Resulting in Serious Bodily Injury. The victims were at a party in February of 1994. After seeing two young men who had been at the party leave, Mr. Makil picked up a three foot long piece of pipe, and chased after them. Along with two of his friends, Mr. Makil caught up with the victims a short distance away in the desert and struck them repeatedly with the pipe. That night one of the victims died and the other victim barely survived.

On June 24, 1996, Philbert Makil plead guilty. When sentenced, he will receive a sentence of between 20 and 25 years in prison.

United States v. Dean Alton Manuel, Adam Dominguez, Norman Thomas, Orlando Martinez, Juvenile

CHARGES: Murder, Sexual Assault, Kidnaping

The defendants kidnaped, sexually assaulted and murdered a 14 year old Native American girl. As a result of guilty pleas to Second Degree Murder and Kidnaping, Manuel was sentenced to 35 years imprisonment and Adam Dominguez was sentenced to 33 years imprisonment. As a result of guilty plea, disposition to Aggravated Sexual Abuse, Norman Thomas was sentenced to 22 years imprisonment. In addition, a juvenile was tried and sentenced as a juvenile after the government's request to transfer the case to adult court was denied. Orlando Martinez's matter is still pending.

United States v. Michael Torivio

CHARGES: 2nd Degree Murder

Following an argument after a night of drinking, Torivio got into a fight with his best friend and stabbed him. Defendant entered a plea to Voluntary Manslaughter and was sentenced to a term of 4 years and 3 months in prison and 2 years in in-patient substance abuse and psychological treatment at an appropriate hospital.

United States v. Patrick Thomas and Richard Tsinijinnie

CHARGE: 1st Degree Murder



Following an evening of drinking, defendants Tsinijinnie and Thomas decided to steal a truck from Kee Cly, a friend of Tsinijinnie's mother. The two led Cly to an abandoned corral outside Keyenta where they pulled Cly from the truck, beat him and bound his hands and feet with bailing wire. Once tied up, Thomas struck Cly in the head three times with a large 2 x 4 board killing him. Tsinijinnie confessed, pled guilty to robbery, and agreed to testify, in return for a 15 year sentence. Thomas pled guilty to second degree murder and agreed to a 25 - 30 year sentence.

RAPE

United States v. Kelvin Sloan

CHARGE: Aggravated Sexual Abuse and Burglary

This case was indicted on March 5, 1996 alleging 2 counts of Aggravated Sexual Abuse and 1 count of burglary arising from the forced sexual contact between the defendant and the adult female victim. The defendant proceeded to trial in this case and was found guilty of Aggravated Sexual Abuse and Burglary. Defendant was sentenced to 9 years in prison and 5 years supervised release.

United States v. David Wilson, Jr.

CHARGES: Aggravated Sexual Abuse and Aggravated Assault

The defendant was charged with Aggravated Sexual Abuse and Aggravated Assault. The defendant had forced sexual intercourse with the adult victim after a party. On November 8, 1995 the defendant pled guilty to aggravated assault and on January 22, 1996 he was sentenced to 3 years and 5 months in prison.

United States v. Juveniles

CHARGE: Sexual Abuse

Two juveniles, ages 14 and 12, were both found guilty of sexually assaulting a 28-year-old female. Doctors discovered she had a laceration in her cervix that was 1/4 cm away from her uterine artery. The 14-year-old juvenile was sentenced to imprisonment for 60 months. The 12-year-old juvenile was sentenced to 48 months imprisonment.



OTHERUnited States v. Leslie BenUnited States v. Roy SilversmithUnited States v. Lisa Marie Jodie, Lester Jodie, Shawn Jodie and Philip SilentmanUnited States v. Edward Kai and Peggy Kai

CHARGE: Dispensing Liquor in Indian Country

This multi-agency investigation was headed by the Safe Trails Task Force over New Year's Eve 1995/96. It resulted in five search warrants being executed on New Year's Eve. Four separate bootlegging operations in the Pinon area were shut down following the Safe Trails Task Force raids in Pinon, Arizona. Defendants were sentenced in January, 1996, to 18 months of supervised probation. Defendants were prosecuted within two weeks of their arrest on New Year's Eve 1995.

United States v. Troy Dean Jumping Eagle

CHARGES: Eagle Protection Act, Migratory Bird Treaty and Felon in Possession of a Firearm

In the District of Arizona's first prosecution under the Eagle Protection Act (EPA), Jumping Eagle pled guilty to a violation of the Eagle Protection Act for the killing of a golden eagle on the Hopi Reservation. Defendant, who was previously convicted of a felony and was not a tribal member, was sentenced to one year for the EPA violation and one year for being a felon in possession of a firearm.

United States v. James Lewis, Jr.

CHARGE: Violation of Supervised Release

This case involved a defendant convicted of sexual abuse of a child who violated his supervised release by the rape of an 18-year-old female. The defendant was convicted of the offense in tribal court. His Federal supervised release was then revoked and he was sentenced to an additional 10 months imprisonment.

United States v. Dutari

CHARGE: Wire Fraud and Misappropriation of Tribal Funds

Dutari was the senior accountant for the Tohono O'odham Nation. He misappropriated over 2.7 million dollars of the Nation's money and lent some of it to one of his college friends and lent the bulk of it to others to start a resort. The trial lasted three weeks and Dutari was convicted of four counts of wire fraud and one count of misappropriation of tribal funds. Judge Roll sentenced Dutari to 36 months imprisonment on August 15, 1996.



V. APPELLATE HIGHLIGHTS

U.S. v. Lomayaoma, 86 F.3d 142 (9th Cir. May 29, 1995)

In a published opinion, the Ninth Circuit upheld the constitutionality of the Indian Major Crimes Act (18 U.S.C. § 1153) holding that Congress did not exceed its powers under the Indian Commerce clause by enacting the Act. This case was the Circuit's first opportunity to address the constitutionality of the statute after the Supreme Court's ruling in U.S. v. Lopez, 115 S. Ct. 1624 (1995)(invalidating conviction for possession of a firearm within defined school zone as exceeding Congress' Commerce Clause authority) and Seminole Tribe of Florida v. Florida, 116 S. Ct. 1114 (1996)(striking down 25 U.S.C. § 2710(d)(7) authorizing tribes to sue states in federal court to enforce Indian Gaming Regulatory Act of 1988, holding Congress could not use Indian Commerce Clause to abrogate states Eleventh Amendment immunity).

U.S. v. Eric B., 86 F.3d 3812 (9th Cir. May 30, 1996)

Affirming the adjudication of a 12 year old juvenile for an act of involuntary manslaughter in the shooting death of a 7 year old child, the Ninth Circuit found no plain error in the use of a grand jury subpoena of the juvenile's school records. The Court also stated that the juvenile's right to privacy was not violated by the receipt of letters from the public or allowing the victim's father to address the court at the disposition hearing.

U.S. v. Kitcheyan, (unpublished disposition) 66 F.3d 336 (9th Cir., Sept. 8, 1995)

In an unpublished decision, the Ninth Circuit affirmed the conviction of the former Chairman of the San Carlos Apache Indian Tribe on counts of conspiracy, embezzlement and theft from an Indian organization, rejecting defendant's claim that the district court lacked of subject matter jurisdiction. Relying on U.S. v. Begay, 42 F.3d 486 (9th Cir. 1994), the Court held that the crimes against defendant are federal criminal statutes of nationwide applicability, rejecting defendant's argument that Indians may not be charged for any criminal conduct beyond those crimes enumerated in 18 U.S.C. § 1153 or § 1152 where situs of the offense is an element of the crime.



VI. CONCLUSION

Prosecution of major crimes in Indian Country will continue to be a high priority in this Office. We have done much. We can do more. We have performed well. We can perform better. Yet, we cannot achieve our goals without mutual cooperation and respect. I pledge to continue working closely with all of you so that we meet your Tribe's needs in this important cause.



JANET NAPOLITANO
United States Attorney
District of Arizona



VII. SUMMARY OF STATISTICS

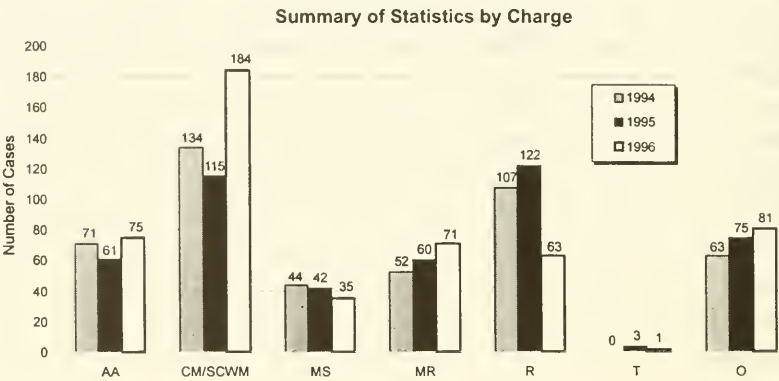
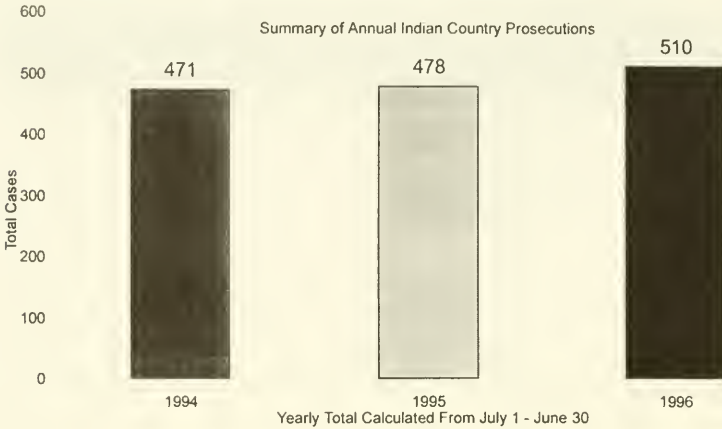
Tribe Name	Total Enrollment	AA	CM/ SCWM	MS	MR	R	T	O	Total
Ak-Chin	532	1	1				1		3
Cocopah	730	1	2						3
Colorado River	3,041	6	8					3	17
Fort McDowell	816	1	2					4	7
Fort Mojave	956								0
Gila River	11,550	6	36	1	10	9		13	75
Havasupai	601		1			1			2
Hopi	9,486	1	6	1	2			3	13
Hualapai	1,540	1	5	2	1	1			10
Kaibab-Paiute	245		1			1			2
Navajo	165,065	28	62	16	30	36		25	197
Pascua Yaqui	9,639	2	6		3	3		2	16
Quechen	2,341		1						1
Salt River	5,366	4	9		9	1		5	28
San Carlos	10,542	1	12	2	3	6		6	30
San Juan Paiute	209								0
Tohono O'Odham	19,225	6	21	7	8	2		9	53
Tonto Apache	97							1	1
Wht Mtn Apache	12,000+	15	11	6	5	4		8	49
Yavapai-Apache	1,180	2							2
Yavapai Prescott	129							1	1
TOTAL		75	184	35	71	63	1	81	510

AA: Aggravated Assault
 CM/: Child Molestation
 SCWM: Sexual Contact with a Minor

...MS: ... Manslaughter
 ...MR: ... Murder
 ...R: ... Rape



VIII. ATTACHMENTS



Total Cases By Offense Per Reporting Period

AA Aggravated Assault, CM/SCWM Child Molestation/Sexual Contact with a Minor, MS Manslaughter, MR Murder, R Rape, T Theft, O Other



STATEMENT OF DEBORAH J. MADDOX, DIRECTOR, OFFICE OF TRIBAL SERVICES,
DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, BEFORE THE
COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE, FIELD OVERSIGHT
HEARING ON THE IMPLEMENTATION OF THE INDIAN CHILD PROTECTION AND
FAMILY VIOLENCE PREVENTION ACT

DECEMBER 16, 1996

Good morning, Mr. Chairman and Members of the Committee. I am pleased to be here to discuss the status of the implementation of Pub. Law 101-630, the "Indian Child Protection and Family Violence Prevention Act" (Act). I have with me today, Dr. Angelita Felix, Office of Indian Education Programs (OIEP) and Mr. Ted Quasula, Acting Director, BIA Phoenix Area Office. They will assist me in responding to any technical questions the Committee may have.

I would like to focus my testimony on the BIA's efforts to implement provisions of the Act and the progress we have made in this regard. I would also like to offer recommendations on how we can better protect and serve Indian children.

Although the Act was passed in 1990, various factors have prevented swift implementation of the provisions of the Act to the satisfaction of tribes, Congress and the BIA. Over the course of the last three years the BIA has, I'm proud to report, made significant progress implementing key provisions of the Act which directly impact the safety and well-being of Indian children.

The Act requires the mandatory reporting of child abuse on all Federal lands. To satisfy the requirements of this mandate the BIA has implemented a number of procedures and policies. Written guidelines for reporting child abuse incidents within BIA funded schools have been distributed to all employees. Employees who know or have reasonable suspicion that child abuse incidents have occurred are required to immediately report the information to the local law enforcement agency or local child protective services. An employee also has the option to anonymously report the alleged abuse using the BIA Hotline. To encourage reporting all employees have been advised of the immunity from civil or criminal liability when the report is based on reasonable belief and made in good faith.

The BIA Hotline (1-800-633-5155) established in 1990 for the reporting of all alleged abuses of Indian children continues to be operated by the BIA.

In addition, the Office of Indian Education Programs continues to enforce BIA personnel requirements in employee related abuse cases in the schools. Any employee against whom a specific allegation of child abuse has been made is immediately reassigned to a position requiring no contact with or control over children. The investigation and interaction with the victim is the responsibility of local law enforcement and child protective

services; however, schools have a role in coordinating appropriate support services for those students involved in child abuse incidents.

The BIA recognizes that for child abuse reporting to be effective there must be an ongoing child protection education and public awareness effort with local service providers, school personnel, parents and the community. The BIA Education staff has taken on this challenge through a coordinated information dissemination effort. Information is exchanged with staff on curricula, resource materials and current research.

The BIA is responsible for the background investigations of its current and prospective Federal employees and volunteers. To date, the BIA has implemented a character investigation process that reflects the critical components of the Act. We have identified 7,000 public trust positions within the Office of Indian Education Programs, Social Services and Law Enforcement which are covered by the Act. The required background investigations have been completed and adjudicated on 6,200 (89%) of the employees. The reason we are not able to achieve 100 percent adjudication is due to the attrition rate of BIA teachers and other staff.

The Office of Indian Education Programs reports a turnover of approximately 1,000 positions each year for school personnel because of the isolated locations of Bureau schools. Investigations are done on all personnel who have contact with or control over Indian children. They are identified by name, position title, social security number, date of birth, entry date, and duty station, and this is repeated every five years. The actual background investigation and day-to-day management and processing of the files is performed by the BIA security officers. There are six security officers nationwide who adjudicate background investigation findings. The investigations are processed through the Office of Personnel Management. As a result of the background screening process, the BIA has detected some 200 applicants and employees with potential character problems that have either prevented their employment or caused their termination.

In April 1995, the BIA entered into an agreement with the Federal Bureau of Investigation (FBI), to facilitate tribes' access to FBI data base files for national criminal history checks. The BIA has provided about 8,000 fingerprint cards to tribes and tribal organizations responsible for the care and control of Indian children who are users of the service. The FBI processing fee is \$22.00 per individual for fingerprinting. From June 1995 to the present, approximately \$10,000 in fees has been expended on this service. Because of the success of this program, the Indian Health Service negotiated a Memorandum Of Agreement (Agreement) with the BIA for this service in August 1996. The nationwide Indian Head Start program will also utilize this fingerprinting and data base service as part of the IHS Agreement with the BIA.

In 1994, the BIA began implementing the Crime Reporting Information System (CRIS), mandated by the BIA Law Enforcement network reporting system. To date, the BIA has

43 of 216 computerized reporting sites up and working at local tribe and agency law enforcement offices. We have trained more than 400 BIA and Tribal officers and staff on how to use the program. Due to resource limitations the BIA cannot plan to get more than 20 additional sites operational each year. In February 1997, the BIA will begin interface testing with the FBI's National Information Base Reporting System, as required by Pub. L. 100-690, the Uniform Federal Crimes Reporting Act of 1988. When this occurs, the BIA will be the first Law Enforcement program within the Department of Interior to interact with this system.

The BIA Division of Law Enforcement, through its Indian Police Academy, in conjunction with the Department of Justice, Office of Victims of Crimes, and various United States Attorneys, has sponsored 18 training seminars at 10 locations for more than 5,000 participants. The training includes topics such as child abuse reporting, child abuse investigations, interviewing techniques, background and character investigation techniques, court preparations, and mock trials. The BIA also offers on-site training and provides workshops and presentations to tribes and tribal organizations concerning the processing of background and character investigations.

At the last hearing before this Committee on the implementation of the Act, we indicated that the feasibility study for a Central Registry on child abuse perpetrators data in Indian country was completed in October 1994. The study was submitted to the Congress in February 1995 and May 1996, and concluded that a central registry was feasible and needed. A critical factor in the overall decision is the location of the central registry. Early on, the BIA began exploring the possibility of locating the registry in some other Federal agency, preferably in the Department of Justice. After President Clinton announced in August 1996 that a national, fully accessible registry of child sexual abuse perpetrators would be implemented, we are now assessing the feasibility of folding BIA efforts into this overall initiative. We will continue to work with DOJ on the related issue of the lack of uniform tribal codes, which remains a difficult obstacle.

On June 21, 1996, the BIA published the Final Rule on minimum standards of character, program guidelines for tribal child protection and family violence programs, case load standards, and the formula for the distribution of funds. This was accomplished after extensive consultation with tribes.

The BIA and IHS signed an agreement in 1993 on the implementation of Sec. 410 of the Act (25 U.S.C. 3209), Indian Child Resource and Family Resources Center, and reauthorized by Public Law 104-16, last year.

In regard to funding, support for the BIA's budget request to implement the Act has been difficult to obtain during these times of fiscal restraint. Congress included \$1,500,000 with the enactment of the FY 1992 Budget. This funding was used to hire a Child Protection Coordinator and secretary at Central Office, six area Security Officers, and six child abuse

criminal investigators at the areas which have the highest number of children and employees with direct contact with children. Funding was also used for an assortment of public awareness activities. Because of budget constraints, discretionary funding for public awareness activities was discontinued as of FY 1995. Despite the decline in resources and the lack of a specific line item for this program since FY 1992, BIA continues to support the fourteen positions previously mentioned.

In FY 1994, we requested funding to begin implementation of Sec. 410 of the Act (25 U.S.C. 3209), Indian Child Resource and Family Services Centers (\$1,500,000), and Sec. 411 (25 U.S.C. 3210), Indian Child Protection and Family Violence Prevention Programs (\$5,000,000). These sections authorized \$3,000,000 and \$30,000,000 respectively. The Appropriations Committees denied these requests because we had not completed the implementing regulations.

Subsequently, the BIA requested FY 1996 funding for tribal programs under Sec. 411 of the Act; this funding was also denied by Congress. Finally, the FY 1996 BIA budget received massive reductions, including 13 percent for the Tribal Priority Allocation line item, which provides the funds that go directly to tribes. This was particularly devastating since approximately 85 percent of Social Services programs and 65 percent of Law Enforcement programs are contracted under Pub. L. 93-638.

The BIA's FY 1997 budget attempted to restore the FY 1996 reductions and requested increased funding for TPA, which continues to be the highest priority of tribes. Again, the Appropriations Committees denied most of this request.

Let me now discuss our recommendations. These are based on our experience after having the opportunity to work with tribes on implementing the Act.

1. It has been the BIA's experience that a deterrent to reporting has been the lack of protection for tribal government employees for good faith reporting. The BIA has been contacted by tribal employees who have lost their jobs after they reported incidents of child abuse. We will be working with the tribes on ways to protect tribal employees to prevent the loss of employment or other punitive action for their good faith reporting of child abuse.
2. There have been some difficulties obtaining statistics and reporting problems with tribal contractors and self-governance tribes (over 200 tribes). We will convene an interagency task force to determine how to accumulate statistics on child abuse occurring on Indian lands and consolidate these statistics in one central location. 25 U.S.C. 2434 requires statistical reporting by these entities.
3. A Central Registry should be established by one single Federal Agency with the assistance of others having access to Indian cases. We recommend designating the

Department of Justice as the single agency responsible for the central registry to ensure national statistics instead of single agency statistics

4. Because the budget category "Tribal Priority Allocations" (TPA) is the highest priority of tribes, we are establishing an Indian Child Protection and Family Violence Prevention Program line item in this category. This would allow tribes to direct funding from future general increases to begin implementation of the programs.

In summary, I would like to thank the Chairman for sponsoring this Act which provides vital protection for Indian children residing in Indian Country. We place a high priority on child protection in Indian Country. We will continue to work with other Federal agencies to ensure an interdisciplinary approach to child protection. We believe that a combined and coordinated effort by all Federal agencies and Tribal governments, in conjunction with the recommendations we have provided, will better ensure protection and safety for Indian children.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have. Thank you, Chairman McCain and members of the Committee for your continuing concern for and support of the needs of our Indian children.

Written Statement of
President Albert Hale
THE NAVAJO NATION

Child Sexual Abuse In Indian Communities

Committee on Indian Affairs
 United States Senate
 December 16, 1996

Introduction

Mr. Chairman and Members of the Senate Committee on Indian Affairs, on behalf of the Navajo Nation, thank you for your continuing fight against the cycle of family violence - a web of violence which includes child abuse, child neglect and child sexual abuse.

We firmly support the reauthorization and implementation of the Indian Child Protection and Family Violence Prevention Act of 1990 (P.L. 101-630). Although the Act was enacted in 1990, it has not been funded to specifically address the escalating problems of child abuse in Indian country. Numerous testimonies and hearings have been conducted over the past years and the instances of child sexual abuse and child abuse and neglect grows at an alarming rate of 20% to 30% yearly in Indian communities. It is also estimated that approximately 40% of the child abuse cases in Indian communities go unreported.

The Navajo Nation

The Navajo Nation is the largest and most populous Indian Nation in the United States, with over 250,000 enrolled members. The Navajo Nation spans the states of Arizona, New Mexico, and Utah, and is comparable in size to the State of West Virginia. Over half of the Navajo population is under the age of 21 and is growing at twice the national rate.

Like most Indian nations, we are affected by problems associated with a seriously depressed economy. Fifty-six percent of Navajo families live below the poverty level and our unemployment rate is thirty-six to more than fifty percent, depending on the season. The average annual per capita income of Navajo people is \$4,106, compared to the U.S. average of \$19,082.

This high growth rate may, in part, be due to the significant importance placed on children. A child in *Diné* (Navajo) belief is a gift from the Gods, upon its birth there is a celebration of *hozhoji* (the Beauty Way). A child brings great joy, happiness and love. A child is a sacred being, entitled to a life of prayer, the hozhoji of good thought, good planning and longevity. This philosophy and belief was carried by the Navajo people from one generation to another. It was the main stay of care and security of families. Sadly, times have changed and families are faced with a multitude of problems. We now must acknowledge the existence of child abuse across all populations and develop mechanisms to counter the devastation it is causing.

With a sparsely distributed population of 6.67 people per square mile, there is an overwhelming demand for many of these services, including public safety enforcement. Within our vast geographic area, a majority of child abuse cases go unreported and there is an increase in incidents. Further, the complexity of involving parents and program services make it extremely difficult to combat child abuse, child sexual abuse and neglect.

Scope Of The Problem

There are many reasons why reports of child abuse and neglect have risen up to 50% across the U.S. since 1985; the most common reasons include:

- 1) More families are living in poverty;
- 2) Abuse of alcohol, drugs and other substances;
- 3) Fewer resources available for the increasing number of families needing child protective services; and
- 4) Increased public awareness and willingness to report incidents.

In addition to this, the Navajo Nation is confronted with more children being born and raised in a single-parent environment (usually with an absent father), an increase of younger parents with very little parenting skills, and the loss of Navajo traditional teachings regarding the roles and responsibilities of family members and the clanship system of K'e. Given these circumstances, how can we expect our youth to emerge as a normal healthy contributing members of society?

It cannot be emphasized enough that the risk factors associated with child abuse -- such as alcoholism, unemployment, poverty, substandard level of education, suicides, and low family income -- are higher than the national average on the Navajo Nation. We need to take appropriate action to help these innocent children traumatized by a situation that they themselves often cannot fight by themselves.

The Navajo Nation's Efforts To Address The Problem

Our approach is to involve local communities, so our planning and coordination efforts will have a direct impact on community concerns. We want to motivate families and have them recognize and build upon their strengths, and the strengths of their communities. Community service systems require broad and intense involvement of parents, community members, and every governmental agency serving children, all of who play important roles in the prevention of child abuse. We must have an organized, unified, and concerted effort to address child abuse.

The Navajo Nation has developed many initiatives to protect the safety of our children. We are strengthening the families ability to improve their children's healthy development. Additional funding will help us improve the development of a more responsive, collaborative family service system, - not 'stand-alone' services.

With previous appropriations, the Navajo Nation has developed crisis-oriented programs for sexually abused Navajo children across the reservation. In the past four years, the Navajo Nation has received specific appropriations from Congress; for Fiscal Year 1996, the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) provided a total of \$549,400. Of this amount, BIA provided 21% of the total funding, and IHS 27%. The base funding from the IHS has increased slightly and the BIA has decreased by 13%.

In recent years, the Navajo Nation has made substantial investments of its limited resources for child abuse protection. In 1993, the Navajo Nation, through the Health and Social Services Committee of the Navajo Nation Council, advocated and lobbied for the Navajo Nation Council to supplement funding of the Children Sexual Abuse Prevention Project. For Fiscal Year 1997, the Navajo Nation General Funds provided over 50% of the total funding for the Navajo Nation Child Abuse Prevention project.

Furthermore, the Navajo Nation has developed a collaborated effort among tribal, federal and private entities to combat and respond to child abuse. This effort has increased our ability to address child abuse in a collective manner and identify gaps in services, bringing together ideas on how to deal with the problems of referrals; improve methods of treatment; investigation, prosecution, response time, crisis intervention, clientele data base management; and resolving unaddressed needs.

Historical Perspective

The Navajo Child Sexual Abuse Project (NCSAP) was created and implemented on May 1, 1989 with assistance from the U.S. Department of Justice through the U.S. Attorney's Victims/Witness Assistance Office in Phoenix, Az.

From 1989 to 1990 there was a real concern with the high number of children that were being sexually abused within the boarding school setting, which came to

light through the media. Moreover, lack of professionals with specialized training in the treatment of child victims and young sex offenders compounded the problem further. In addressing the issue, several concerned citizens and community professionals developed a comprehensive five year plan for the entire Navajo Nation. This plan, "Healing Through Sa'anaaghei Doo Dib'ehozho: Navajo Nation Response to the Child Abuse Emergency" was adopted by the Navajo Nation Council. The group established themselves as the Navajo Community Advocacy Committee (NCAC), as an advisory body composed of various service providers, community representatives, legislators and other interested persons.

The NCAC was established in 1990 to take on the challenges of seeking ways to improve the responses of existing organizations to incidents of child sexual abuse. The NCAC broadened its focus to include child abuse and child neglect and developed, refined, and completed a comprehensive plan to address child abuse. The plan was developed for a five-year period. However, in October 1996 another plan was developed for the next six years.

The organization has a broad representation of service providers in the field of family preservation focusing on children. Representatives from various disciplines include the Indian Health Service, the Bureau of Indian Affairs, tribal programs, medical doctors, mental health specialists, attorneys, court personnel, law enforcement, traditionalists, and community members, such as parents and other advocates for children. The Child Sexual Abuse Prevention (CSAP) project within the Division of Social Services, coordinates and assists with the development and implementation of the initiatives set forth by the NCAC. The NCAC serves as an advisory group to the CSAP project.

The NCAC is advocating for the establishment of a family wellness center in which the mental health needs of a family will be addressed, including child abuse. It is a goal to concentrate family service providers under one roof to provide comprehensive services in one location. For example, the K'e Project which is funded by the Children's Mental Health Service to provide intensive services for severely emotionally disturbed children on the Navajo Nation, would join forces and expertise to share professional personnel and eliminate duplication of services, etc.

The Child Sexual Abuse Prevention project implements the Navajo Nation comprehensive plan by addressing abused and neglected children and their families. The five year plan was recently revised by the Community Advocacy Committee and a six year plan developed for implementation. The project concentrates on those concerns most immediate for the safety and treatment of the victim. With additional funding more of the goals and objectives could be addressed, including implementation of programs aimed at preserving Navajo families, to provide an adequate level of treatment services to all child abuse victims, and securing funds to rehabilitate the perpetrator.

In addition, a Memorandum of Agreement was signed between the Navajo

Nation, IHS and the BIA to consolidate and provide consistent coordination efforts to confront child abuse and neglect. The initial MOA was signed in 1987 between the Navajo Nation, IHS, and BIA. The MOA was to commit the three entities to coordinate their services and personnel to address children's issues, especially for the prevention of child abuse. A copy of the MOA is attached.

Types Of Services

Currently, there is a waiting list for long term therapeutic services for sexually abused Navajo children. The project has only one Master's level experience therapist per agency. Each therapist has an average case load of 32 cases per month. This is a specialized field requiring the understanding, knowledge, and sensitivity to approach the child and family in a culturally relevant manner.

The Navajo Nation's project is a model project for Indian country, emphasizing traditional Navajo healing practices as part of the treatment process. The project instills the importance of Navajo cultural aspects in its therapy approaches including the emphasis of K'e, a Navajo social behavior guidance system consisting of kinship and clan relationship. Appropriate beliefs and customs are accommodated in family and victim counseling and mental healing.

The five agency offices each have a therapist, social worker, and traditional counselor on staff. They work in coordination with other entities, including criminal investigators and juvenile presenting officers. Some of these positions are funded through the NCSAP project.

The project provides immediate safety for victims of child abuse, neglect, and sexual abuse, and is responsible for the coordination of local agencies to identify, intervene, treat, and prevent child sexual abuse, abuse and neglect.

The NCSAP coordinates and facilitates the development and implementation of multidisciplinary system of services for child abuse and neglect victims and their families. The multidisciplinary team (MDT) is another vital part of the project in addressing child sexual abuse with specific responsibilities to complete treatment, investigation, and prosecution. The MDT is composed of a social worker (therapist), prosecutor, criminal investigator, FBI agent, the Attorney General's office, and a medical doctor. The team meet on a regular basis to assess each reported case, provide consultation and direction for each case. Currently, there are ten MDTs established on the Navajo Nation.

Another goal is the development of the Central Child Registry System to develop a data base system which compiles some basic information on clients receiving services from the project. It is the intent of the staff to use the client data system to track clients and eventually offenders as they move across agency lines for services.

Other activities include research and data collection, proposal writing to continue and expand program services, provide technical assistance to Navajo Division of Social Services agencies in planning, reporting/referral procedures and development of protocols. Staff also keep abreast of legislation and advocate for proactive legislation.

The number of children served* for prior years is as follow:

FY 1992	5,420
FY 1993	5,730
FY 1994	5,933
FY 1995	4,843
FY 1996	6,026

*The statistics reflect the number of reports/referrals of suspected child abuse/neglect, where a social worker must intervene. In addition, these figures are a result of the three funding sources (IHS, BIA, Navajo Nation).

The Navajo Nation's Comments On Implementing The Act

The continued increase in the number of sexually abused children across our reservation and other reservations is alarming. It is essential that this Act be reauthorized and that adequate funds be appropriated to maintain our effort in providing more comprehensive solutions.

Specifically, the Act must establish and stipulate an equitable funding formula based on reservation children population of under 18 years of age. There should be no cap on the funding, instead, full consideration should be given to the population groups being confronted with the complexities of child abuse. This would assure that funds are being directed to the children who are the victims.

Due to the lack of efficiency and expediency of federal agencies in responding to the implementation the act, Indian nations should be provided the opportunity to implement the provisions of the law. Indian nations have been patient and have been operating programs to protect children while the federal agencies have shirked their responsibilities to implement the law. Additionally, Indian nations have a far greater vested interest in their children's future and would be motivated to carry out the intent of the law.

However, funding alone will not take care of the problem, a strong commitment from the various federal and tribal agencies is necessary to the efforts of protecting our

children. Although MOA's had been instituted there is still a gap in the collaboration of various agencies to perform the necessary tasks for our children. Each responsible agency must support and enforce the provisions of the agreements.

In addition to the above, the Navajo Nation recommends the following:

- (1) **Provide additional funding for the perpetrator treatment program.** This is a concern since 80 to 90% of the perpetrators were victims themselves, that sexual abuse is a learned behavior and about 93% of the perpetrators are known or are related to the victim. With these facts, it is vital that the cycle of child abuse be severed.
- (2) **Promote an understanding of the effects of child abuse on children and families with community education and emphasize awareness prevention.** Effective and comprehensive public education on the Navajo Nation does not exist. Without adequate funding, effective public education to prevent continued abuse and to teach survival skills, abuse of children will continue and the amount of criminal investigation, prosecutions and therapy needed to address the increased number of cases will never be met.
- (3) **Increase Funds to Establish Safehouses.** The aftermath of a sex abuse disclosure can be traumatic to a child. Numerous interviews by investigators, working independently, are a major contributor to this trauma. To help reduce this trauma, safehouses would establish interview procedures to investigate child sexual abuse disclosures in a sensitive and culturally relevant manner. Several of the DSS Agency offices have identified a facility, purchased video equipment, and are now training personnel for forensic interviewing. Additional funds would rapidly increase the establishment of safehouses.
- (4) **Provide Funds for Additional Professional Clinical Staff.** Due to the high number of cases being carried by the field therapists, it is necessary to have additional therapists to bring the case load within the standards of the National Social Workers Association requirements of cases. In addition, a full time Clinical Supervisor is necessary to provide supervision on the cases. A child psychiatrist must be made available to provide assistance to victims, funds are necessary for proper responses and services.
- (5) **Enforce the Provisions of The Memorandum of Agreement Between the Various Agencies to Strengthen Collaboration and Accountability.** Clear commitment by Federal Agencies, especially education personnel, is needed to demonstrate their commitment not only for the education of children but also for the protection and welfare of their students. BIA boarding schools are not fully implementing the reporting requirements. There are reported cases of up to 20 children who become involved in sexual activities among themselves - some incidents appear to have been on going for weeks, if not months.

Victims report they tell employees who do not listen or refuse to acknowledge their complaint. Other complaints report on the lack of supervision for children traveling on BIA school buses - such as other children enticing other children to pull their pants down to expose their private parts. These incidents are not fully reported. Complaints that "alleged perpetrators" are expelled from BIA schools with no follow up or treatment services: the NCSAP end up trying to locate the children to confirm whether they may also be victims of sexual abuse. It is also possible the victims perpetrate sexual abuse on other children within their own home. There is a need for BIA schools to make available therapeutic services for their students.

- (6) **Continued Development and Implementation of Uniform Guidelines for Protective Services Through Agency Protocols of Treatment, MDT and CPTs.** Funding is necessary for the adoption of standardized format for client records, quality assurance activities, client rights and responsibilities, standards and protocols for Western and traditional treatment, ethical standards of conduct, background checks, and criteria for acceptable therapeutic foster homes.
- (7) **Space Is Not Adequate For Staff To Efficiently Carry Out Their Duties at Most of the Project Sites.** The lack of office space compromises the confidentiality of clients and forces field offices to provide services out of dilapidate and, often, condemned facilities.
- (8) **Increase Incentives for Recruitment and Retention of Qualified Therapists.** A most sites, it has been difficult to recruit and retain master's level therapists. The unavailability of Navajo therapists and the inability of non-Indian therapists to adjust to reservation communities appear to be common reasons for this shortage.
- (9) **Enhance Training of Project Staff.** Master's level project staff providing client services need training enhancement in clinical treatment of person who have suffered child sexual abuse so that the cognitive, emotional and behavioral functioning of clients and their families can be addressed appropriately. Staff requires more training on the family dynamics of child sexual abuse and how to treat child abuse by immediate and extended family. Although a training initiative with the University of New Mexico has begun through the efforts of IHS Headquarters West, training funds are still lacking.

Additionally, there are a limited number of licensed social workers on the Navajo Nation. Funds for training would allow for a comprehensive training agenda for the Navajo area service providers which would include an organized mechanism to acquire licensure.

- (10) Strengthen Coordination Efforts With the Prosecutor's Office, Department of Public Safety, State Attorney General's Offices, BIA Schools, IHS and Other Family Related Services. Disjointed coordination between the FBI, the US Attorney's office, Criminal Investigators and Tribal police results in no one being in charge and case investigation falling between agencies. If it were not for a few dedicated investigators all the child abuse cases would remain unattended and incomplete. Child sexual abuse cases compete for attention with the "other major crime" cases but lose every time. Dead bodies receive priority attention.
- (11) Increase Funding to Adequately Address Therapeutic and Special Counseling Services for Victims of Sexual or Physical Abuse. With increased reports of molestations that involve child on child victimization, there is a demand for a new type of approach, but the federal agencies are not equipped to address this problem. Children are victimized because parents are ill-equipped to provide effective guidance for children who are exposed to massive world scenes through public literature and TV.

Conclusion

Child abuse, especially child sexual abuse, must be recognized as an exceptionally complex problem with numerous causes that vary from case to case and family to family. Consequently, no single prevention, intervention, or therapy program can substantially reduce or address the incidence of child abuse. Therefore, the NCSAP service strategy is comprehensive community-based programs that attempts to confront the multiple problems and needs of Navajo children and their families.

Adequate funding is necessary to fulfill the requirements of the Act. Funding is so inadequate that in many instances, the Navajo Nation Tribal Social Workers have paid for such expenses out of their own pockets.

The grim facts of child abuse are far reaching. Child abuse knows no barriers including race, economic, education, age - every one is affected. The Navajo Nation bears many risk factors associated with child abuse, increasing the likelihood of child abuse to occur.

On behalf of the Navajo Nation, thank you for the opportunity to provide this testimony. Be assured the Navajo Nation will continue to support and advocate for the implementation of the Act.

EXHIBIT A

MEMORANDUM OF AGREEMENT

Among

The Chairman of The Navajo Tribal Council,
The Navajo Area Director - Bureau of Indian Affairs,
The Navajo Area Director - Indian Health Service,

The Assistant Director - Office of Indian Education Program (South and West Division)

PURPOSE

The purpose of this Agreement is to promote prevention of Navajo child abuse and neglect through community education and exemplary multi-disciplinary services to abused and neglected Navajo children and their families. The parties to this Agreement hereby authorize immediate establishment of a viable central Navajo Nation Child Protection Team (NMCPT) to perform required actions.

The parties to this Agreement further designate individuals from their respective organizations who shall commit their efforts to actualization of the NMCPT initiative as a part of their regular duties. Individual and team efforts shall include establishment of local Child Protection Teams composed of appropriate Agency, Service Unit and other local representatives. In the event a designated NMCPT member is unable to continue active participation, the member shall formally notify the appropriate party to this Agreement.

NMCPT MEMBERSHIP

The following individuals shall comprise membership of the central Navajo Nation Child Protection Team:

THE NAVAJO NATION

Larry Anderson	- Navajo Tribal Council Delegate
Marilyn Wilson	- Division of Social Welfare
Ernestine Reader	- Alternate
Donna Dante	- Division of Health Improvement Services
Lenore Fulton	- Alternate

Delores Begay	- Judicial Branch, Children's Court
Marie Collins	- Alternate
Arnold Yassie	- Navajo Division of Education
Margaret Wilcox	- Alternate
Loritta Johnson	- Office of the Prosecutor
Jane P. Nag	- Alternate
Major Franklin Morris	- Division of Public Safety
Major Robert Henderson, Jr.	- Alternate

BUREAU OF INDIAN AFFAIRS

Betty Bitsus	- Branch of Social Services
Nancy Evans	- Alternate
Lindbergh Alfred	- Branch of Criminal Investigations
Ross Bignan	- Alternate
Charles Johnson	- Indian Education Programs
Benny Hale	- Alternate

INDIAN HEALTH SERVICES

John Richardson	- Medical Social Services
Lucinda Martin	- Alternate
Carol Milligan	- Maternal and Child Health
Marilyn Dalton	- Community Health Nursing
Sally Deschenie	- Alternate

Robert Hood, MD	- Mental Health/Psychiatry
Marion Zonnie, MD	- Alternate
Charise Callahan, MD	- Pediatrics
Roger Gotlib, MD	- Alternate

Appropriate Navajo and other individuals shall be invited or consulted by the NNCPT to present their professional views and/or expert knowledge regarding Navajo child abuse and neglect as well as related materials.

AUTHORITY

Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (P.L. 99-570); Indian Self-Determination and Education Assistance Act (P.L. 93-638); and the Navajo Children's Code.

BACKGROUND

The increasing problems of Navajo child abuse and neglect are not now adequately addressed nor resolved. Though various services exist, there is an urgent need to maximize available resources through more effective coordination and communication. It is apparent that many incidents of Navajo child abuse and neglect are results of alcohol and substance abuse.

CENTRAL NNCPT RESPONSIBILITIES

1. Develop its organizational structure and guidelines, determine frequency of meetings, provide data and progress reports to the IIA Central Office and to the parties to this Agreement.

Initially, the NNCPT shall meet on the third Wednesday of each month, 9:00 a.m., at the designated location. At a later time, the NNCPT shall meet quarterly.

2. Provide general oversight of local CPT's.

- a. conduct at least quarterly meetings to review activities of local CPT's and to identify their needs.
 - b. Review local CPT plans for adequacy and recommend improvements to comply with Sections IV A 8 and IV B 5 of the BIA/IRS XNA, and with the Navajo Children's Code.
 - c. Monitor local CPT performance to ensure appropriate, timely, effective and efficient intervention in child abuse and neglect situations.
 - d. Gather and provide child abuse and neglect data to the BIA Central Office, as specified, on a quarterly basis, beginning October 1, 1987.
 - e. Prepare and provide comprehensive annual reports to the BIA Central Office, delineating CPT accomplishments, strengths and weaknesses, effectiveness, and recommended improvements.
3. Facilitate local CPT functions
- a. Identify needs and weaknesses, and recommend correction actions.
 - b. To the extent possible, help to secure needed resources.
 - c. Coordinate local CPT activities with national and regional resources, programs and professional organizations.
 - d. Clarify changes in national policy.
4. Provide Technical Assistance to local CPT's
- a. Formulate policies and guidelines.

- b. Identify model CPT programs in other areas, and assist local CPT's to incorporate desirable elements.
 - c. Identify training needs, and provide available resources.
 - d. Provide appropriate expertise and skills to enhance local CPT capabilities.
5. Coordinate and assist with CPT training activities.
- a. Provide technical assistance to formulate CPT training plans and community education criteria.
 - b. Assist to implement CPT training plans by locating resources and/or participating as trainers.
 - c. Provide assistance to structure public hearings, to document proceedings and findings, and to use the information for recommending improvement in existing policies and programs.
 - d. Encourage and promote community education in concert with identified needs of Navajo families and communities.

NKCPT TENURE

The NKCPT shall continue to perform its mandated functions indefinitely, extending beyond the three primary funded years. The NKCPT shall revise its organizational structure and activities as necessary to meet changing needs of Navajo children and their families.

The foregoing provisions of this Agreement shall become effective when all parties to the Agreement have signed their names.

The Agreement shall be reviewed by the signatories on/or about October 1, 1988.

[Signature]
VICE Chairman, Navajo Tribal Council

NOV 17 1987.

Date

Wilson Barber Jr
Navajo Area Director, Bureau of Indian Affairs

9-25-87

Date

68 Leland
Navajo Area Director, Indian Health Service

9/15/87

Date

Robert H. Rouse
Assistant Director, Office Of Indian Education
South and West Agencies

9/25/87

Date

PASCUA YAQUI TRIBE of ARIZONA

SOCIAL SERVICES DEPARTMENT



December 16, 1996

Honorable Senator John McCain, Chairman
U.S. Senate
Committee on Indian Affairs
Washington, D.C., 20510-6450

Dear Chairman McCain,

The following written comments are submitted for inclusion as testimony following your December 16, 1997 Public Hearing on P.L. 101-630

INTRODUCTION

The Pascua Alcoholism Treatment Home is an accredited (Commission on Accreditation of Rehabilitation Facilities) on reservation treatment facility. The PATH is a nine bed home for men and a ten bed home for women. The PATH provides mid-to-long term residential treatment to American Indians who are addicted to alcohol and other drugs.

Our problem is that there is no money in Indian Country to purchase residential treatment for adults. There is, however, an abundance of people needing to enter treatment. With the end of our federal grant (Capacity Expansion through CSAT), we are forced to accept only those persons who have a payer source. This requirement has dried up admissions but not referrals.

We recommend that Public Law 101-630 have its appropriations authorized in order that treatment services be provided.

FUNDING

The Pascua Alcoholism Treatment Home for women started in October, 1991 with a \$40,000 grant from Arizona's Department of Health, Behavioral Health Division. The PATH's mission is to provide a treatment opportunity for any American Indian who desires a drug or alcohol free life.

In October 1992, the Tribe received from the U.S. Department of Health and Human Services, Center for Substance Abuse Treatment a three year capacity expansion grant with a reducing award amount. The first year's award was \$250,000 and the third year's award was \$160,000.

The grant was used to expand the women's home from five to ten beds and to open a nine bed home for men

The federal grant ended on May 31, 1996 and the homes continue with the \$40,000 State contract. On October 7th, The Pascua Yaqui Tribal Council agreed to use gaming revenues to continue the homes by agreeing to pay one third of program personnel costs. The balance must be made up through third party payments. The PATH also has the capability to collect Medicaid reimbursements, but more often than not, when the woman enters treatment she has already lost her Medicaid eligibility for behavioral health services.

UTILIZATION HISTORY

Approximately sixty three percent (63%) of PATH admissions to the women's home are initiated by the family's long term involvement with tribal Child Protective Services. If treatment options are not financially accessible to this population, Indian families will continue to be separated. And the suffering continues.

In its forty two (42) month history as a Capacity Expansion Grantee, the PATH program utilization and success history is as follows:

	WOMEN	MEN	TOTAL
ADMISSIONS	78	57	135
GRADUATED	36	22	58
IN TREATMENT (as of 5-31-96)	8	9	17
DID NOT COMPLETE	34	26	60

RECOMMENDATION

We urge the Congressional Committee on Indian Affairs to advocate for the authorization of appropriations in PL 101-630 which permits funding for needed treatment services to American Indians.

For further information please contact Jorge Luis Garcia, ACSW at (520) 883-5185.

Sincerely,



Benito F. Valencia, Chairman

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics



State Justice Statistics Program for Statistical Analysis Centers

Program Application Guidelines Fiscal Year 1997

November 1996, NCJ-163277

MESSAGE FROM THE DIRECTOR

In 1972, the National Criminal Justice Information and Statistics Service, an office of the Law Enforcement Assistance Administration, announced the establishment of a program to bring about a coordinated approach to the development and implementation of criminal justice statistics and information systems in the States. This strategy, called the *Comprehensive Data Systems* program, had as its centerpiece what came to be known as Statistical Analysis Centers (SACs). These centers were intended to be the single point of contact in the States for collecting/acquiring crime and justice data, analyzing and disseminating the data, and assisting criminal justice planners and decision makers in formulating rational and sound public policy. The centers were also charged with coordinating the development of criminal justice information systems in the State when no other agency had been assigned that responsibility.

Almost twenty-five years later, the SAC program continues to meet its original goals and objectives. Governors, legislators, the judiciary, the media, and the general public have come to depend on the fruits of the SAC program for an objective and independent picture of crime and justice in the respective States.

As successful as the program has been, changes in the criminal justice policy environment and Federal funding to States call out for adaptations that will keep SACs at the forefront of emerging issues. This *State Justice Statistics Program for Statistical Analysis Centers* (SJS) is intended to help SACs be more topical and stronger statistical resources for the States. In requesting SACs to select a topic for investigation and analysis prior to receiving a Federal award of funding, this Program also enhances governmental accountability and focuses on obtaining productive results for each dollar spent. The Program encourages SACs to collaborate with related entities within the State where doing so will be mutually beneficial.

We at BJS are pleased to have the Office of Juvenile Justice and Delinquency Prevention as our partner in this first phase of the new program. Section F of this announcement, *Themes for the First SJS Cycle*, highlights two topics of special interest to BJS and OJJDP jointly: the waiving of juveniles into the adult criminal justice system, and the impact and influence of youth gangs on crime. Approximately every six months we plan to change the highlighted topics, which, as in this announcement, may include supplemental funding. The Justice Research and Statistics Association will publish a compilation and analysis of State findings related to highlighted SJS topics, as well as make the results available on the Internet.

Jan M. Chaiken, Ph.D.
Director, Bureau of Justice Statistics

State Justice Statistics Program for Statistical Analysis Centers

Fiscal Year 1997 Application Guidelines

A. Purpose

This program announcement supplants the State-Level Statistical Analysis Centers and Information Network Program. Since 1972, the Bureau of Justice Statistics (BJS) and its predecessor agency, the National Criminal Justice Information and Statistics Service, have provided partial support to State governments for the establishment and operation of Statistical Analysis Centers (SACs) to collect, analyze, and report statistics on crime and justice to Federal, State, and local levels of government, and to share State-level information nationally. The information produced by SACs and their involvement in criminal justice projects has been and will continue to be critical to State, local, and Federal criminal justice agencies and community organizations in their efforts to combat drugs and crime and to improve the administration of justice.

This announcement represents a shift from SAC support funded exclusively by BJS to a coordinated solicitation involving other Office of Justice Programs (OJP) agencies. We are pleased to have as a partner in this six month period the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

BJS also administers the National Criminal History Improvement Program (NCHIP), which implements the grant provisions of the Brady Handgun Violence Prevention Act, the National Child Protection Act of 1993, the Stalker and Domestic Violence Reduction provisions of the Violence Against Women Act, and related legislation. In each State, a single agency has been designated by the governor to coordinate the State's NCHIP applications, but BJS has encouraged SAC directors to contact their State NCHIP administrator so as to participate in their State's application for NCHIP funds, and NCHIP administrators were asked to demonstrate that they had coordinated requests related to statistical analyses with their State's SAC. Ongoing efforts to evaluate or monitor progress in meeting legislative or program goals through statistical or other related means have been allowed activities for SAC funding under BJS grants to NCHIP agencies, and specific SAC research studies relating to use of handguns are also being funded separately under NCHIP.

BJS's goal has been to maintain and enhance each State's capacity to address criminal justice issues through the entire mix of grant funding administered by BJS. The State Justice Statistics Program,

announced here, expands BJS's efforts in this regard by simplifying the process whereby SACs can apply for NCHIP funding and by asking SACs to coordinate requests, on behalf of themselves and -- in some cases -- other State agencies, for the funding that BJS lists in this Announcement and its subsequent updates. BJS will be actively engaged in fostering linkages with other Office of Justice Program (OJP) agencies with programs that may provide funding for SACs, either through programs of their own which provide direct assistance to SACs, or as the result of passing funds to BJS to enhance the SJS program. Examples included in this announcement are the OJJDP supported themes described in Section F, as well as the Safe Kids-Safe Streets program, administered by OJJDP, the Weed and Seed Office, and the Violence Against Women Act grant office.

B. New Direction

The State Justice Statistics (SJS) Program for Statistical Analysis Centers is oriented around issues and products. Each application for funding under this program must identify the participating organizations in the State and the particular issues to be addressed. In previous BJS funding programs for SACs, some applicants identified the topics of their analyses and reports in advance, while others identified them during the year. The SJS program requires that the topics be identified in advance. Furthermore, BJS will from time to time (approximately every six months) announce specific topics and products it is encouraging and will ask applicants to give careful consideration to planning activities that fit within one or more of the designated topics. Some topics in each funding cycle may be eligible for extra financial support. The first set of topics is shown in Section F, below. If a SAC does not feel that any of the topics is relevant to its own State, it may identify a topic or statistical activity of critical importance to its jurisdiction.

The SJS program themes are being selected jointly by BJS and the Justice Research and Statistics Association (JRSA), with input from selected SAC Directors as reflective of issues of current concern and significance to criminal justice practitioners. JRSA will also play a lead role in publishing a report based on a compilation of state reports on one of the selected themes, which will be highlighted in each announcement.

Although BJS recognizes the value and importance of basic clearinghouse activities historically exercised by the SACs, Federal efforts over the last 25 years to implement these activities in the States should by now have demonstrated that they warrant State funding. Accordingly, SACs which have used BJS funds in the past to support salaries and fringe benefits for this purpose should initiate discussions with State personnel and budget officials to make this a State-funded position, or at least assume responsibility for that portion of a person's salary which is spent on clearinghouse activities. Some activities which States may consider part of a clearinghouse function, such as collection of statistical data and publication of statistical reports on general topics related to crime or the administration of justice, continue to be encouraged under the SJS program. Because BJS recognizes that in some States it may take some time to accomplish a shift in funding, BJS will allow funds awarded under the Fiscal Year 1997 SJS program to be used for clearinghouse activities.

C. Background

In the United States, most criminal justice activities take place at State and local levels of government. The systematic collection and analysis of data on these activities enable BJS to comply with its charter to publish and disseminate statistical information on crime and the operation of justice systems, giving emphasis to State and local justice system needs. State and local governments use the data for policy analysis, planning, and conducting their justice system operations and evaluations.

BJS is specifically authorized by statute (42 U.S.C. 3732) to provide assistance in the development of State and local government justice information systems, and directed to give primary emphasis to the problems of State and local justice systems (42 U.S.C. 3731). BJS works in cooperation with the States through a network of SACs. These Centers were established with support from BJS and its predecessor agency, the National Criminal Justice Information and Statistics Service (NCJISS). Currently, there are SACs in 47 States, the District of Columbia, Puerto Rico, and the Northern Mariana Islands.

1. Goals

- Enhance the capabilities of the States to collect, analyze, and interpret data on justice issues relevant to the States and the Nation;
- Make maximum use of State statistical organizations and State-level data collected by BJS and other Department of Justice components;
- Provide a mechanism which supports the collection and sharing of vital justice system data among the States and between the States and the Federal Government; and
- Better serve the information needs of the States and Federal Government by providing a core body of knowledge about the administration of criminal justice in each State.

2. Objectives

Provide support to the SACs to:

- participate in projects whose research, data collection, and analysis is coordinated across states and which results in a publication by JRSA. This theme will normally be of significant interest to policy makers, and the results of analysis done on this theme should support their efforts.
- produce statistical reports on crime, criminal offenders, and the justice system;
- develop improved justice statistical and information systems and maintain data service functions in the State; and

- support BJS data gathering efforts in individual States including statistics needed for all national data series and in support of NCHIP and NCHIP-related topics.

D. Program Strategy

The SJS program is designed to provide financial support which will supplement State funding of the SAC and will support activities for both State and national benefit, as well as provide technical and financial assistance for related research and data collection projects. SACs are strongly encouraged to produce and provide to BJS written products reflecting analytical efforts undertaken as a part of this program, and to document their plans for such publications in the application for funding under this program.

BJS guidelines for the NCHIP grant program recommend that the State agency applying for these funds consult the SAC in conjunction with the development of projects to support the monitoring of State compliance with legislative or programmatic goals of the program. BJS encourages SACs to support such NCHIP activities; in addition, SACs should explore funding opportunities associated with monies coming into their State under other provisions of the Violent Crime Control and Law Enforcement Act of 1994.

To ensure that the SAC national program efficiently meets its objectives, recipients of BJS funds must agree to assist in any evaluation and/or assessment efforts associated with this program. Such evaluation activities should not result in any significant or unreasonable costs or burdens to the SACs that would interfere with the performance of the cooperative agreement.

E. Support to Established SACs

All awards will be made as cooperative agreements to a Statistical Analysis Center and will indicate the substantial involvement that BJS will have with each award. Applicants may transfer funds to other organizations listed in their application; some of the theme activities may require such cooperative arrangements. Where SACs do not have authority for such a transfer of funds, applicants should contact their BJS state monitor for advice; the purpose of this requirement is to foster cooperation within the State among agencies working on related BJS- or OJP-funded activities, and BJS certainly does not want to foster cumbersome administrative arrangements. Activities in the SJS program include:

- (1) Collecting, analyzing, and publishing criminal justice data, including activities related to the analysis or evaluation of State efforts under the NCHIP;
- (2) Conducting research on themes identified in Section F of this announcement or selected by the applicant in consultation with BJS, usually about a topic of current or emerging national concern;
- (3) Providing JRSA with data on highlighted themes for compilation and production of a

national report;

- (3) Maintaining contact with BJS to ensure the efficient development and sharing of information with BJS, other States, and various users;
- (4) Informing BJS of the State's needs relative to statistical data;
- (5) Pursuant to BJS request, providing information and automated data to the Justice Research and Statistics Association (JRSA), the National Archive of Criminal Justice Data, or other designated recipients;
- (6) Establishing and maintaining contacts with State criminal justice agencies, the courts, and local governments and their criminal justice agencies;
- (7) Assisting criminal justice agencies in defining their needs for specific statistical and other information for the planning, implementation, and evaluation of criminal justice programs;
- (8) Providing technical assistance in the collection, interpretation, utilization, and sharing of statistical information.

Travel funds for this program should be used primarily for such activities within the State as data collection, providing technical assistance and training, liaison with other criminal justice agencies, and conducting statistical analysis. Travel to attend the annual Bureau of Justice Statistics (BJS)/Justice Research and Statistics Association (JRSA) national conference is limited to one person each year, unless BJS specifically authorizes additional conference travel.

Because of the limited funds available for each State, the use of program funds for indirect costs is discouraged. All grant funds should be used to achieve specific program objectives.

F. Themes for the First SJS Cycle

SACs applying for funds under this announcement may choose from among the themes listed below. Applicants may choose any number of projects from within one theme (unless otherwise specified), or a combination of projects from more than one theme. If a SAC chooses its own theme, it must provide persuasive documentation from its advisory committee, one or more branches of State government, or some other entity which explains and supports the decision to study this topic. It is not BJS's intention that all awarded funds be devoted to thematic activities, but a report or publication should result from each thematic activity.

With relation to any theme or topic proposed for funding, please indicate the background of your state's concern with the issue, a complete explanation of the methodology to be employed including databases and methods of analysis, any participation by other state agencies, and how conclusions and recommendations will be framed. Also, indicate political constraints (if any) which could

impact the research, and what product will result. Since BJS contemplates that JRSA will assemble national reports where several states have addressed the same topic, we will support efforts to improve the quality of such compilations through coordination of the individual states' research and analysis.

Themes will be revised approximately every six months from the date on which this announcement is issued. The revised list of themes will be mailed to all SACs and other participating agencies at the appropriate time. The new list will also be posted to the BJS World Wide Web site on the Internet (www.ojp.usdoj.gov/bjs/), so SACs with access to the Internet can learn of them in that manner as well.

As other OJP budget and priority developments evolve, additional funding may be available for one or more of the theme topics. The first theme in each funding cycle's list is BJS's highlighted topic for the six-month period; we strongly urge each state to consider this theme since BJS will be making extra efforts to generate a nationally visible document based on it. If you choose the highlighted topic and it carries additional funding, we suggest that you contact your BJS program manager for additional guidance before submitting an application.

These are the themes/topics applicable to the first six months of the SJS Program:

1. Juvenile justice and violence, including offenders, interactions with the adult system, and the impact of trends. Applications including this theme must identify State agencies responsible for statistical data about juvenile offenders, if any, and include documentation demonstrating support and/or cooperation with such agencies.

A. Juvenile Transfers to Criminal Court for Prosecution. Applications choosing this topic are eligible for funding higher than the otherwise normal award amount, and must show separately the budgeted expenditures for this item. Studies that monitor the flow of cases involving juveniles into the criminal court (by reason of age and/or offense and prior history) may focus on statewide or high volume local processes, outcomes and impact of the decision to try the case in criminal versus adult court. Preference will be given to those studies that provide appropriate comparative samples with juveniles retained in the juvenile justice system (or which have the capability to generate trends) and those studies which can and are willing to collect data currently being captured by OJJDP's studies of Juvenile Transfers to Criminal Court. (See Appendix A for a listing of variables, data elements and file layout)

Applications should identify State agencies responsible for statistical data about juvenile offenders (including those responsible for transferred offenders into the criminal justice system), if any, and include documentation demonstrating support and/or cooperation of that and other State agencies from which data are required. In addition, applicants are recommended to include travel expenses to attend one meeting in Washington, D.C. of other State research teams studying this issue.

B. Juvenile and Youth Gang Involvement in Violence, Drug Sales and Weapons Use and System Response. Applications choosing this topic are eligible for funding higher than the otherwise normal award amount, and must show separately the budgeted expenditures for this item. Studies which monitor trends in such behavior (violent crime, drug markets, and weapons use and sales) by youth gangs, its concentration and migration among different neighborhoods, and law enforcement, criminal and juvenile justice system response to such behavior are of interest under this theme. Of particular interest will be studies which demonstrate the application of Geographic-Based Information Systems (GIS) to monitor trends in behavior and system response spatially.

Technical assistance will be provided to successful applicants by the Office of Juvenile Justice and Delinquency Prevention National Youth Gang Center. See Appendix B for additional information. Applicants must identify relevant State or local law enforcement agencies with which they will be collaborating, if any, and include documentation of support and/or cooperation of that or other agencies from which data are required.

2. Domestic and sexual violence data collection and analysis, including victims and offenders, impact of arrest, prosecution and sentencing policies, and related patterns and trends. Applications including this theme must include documentation demonstrating support and/or cooperation of the State agency that administers Federal grants under the Violence Against Women Act.

3. Corrections studies related to changing sentencing policies, including risk assessment, performance measures, truth in sentencing, and population analysis or projections. Applications including this theme must include documentation demonstrating support and/or cooperation of the State agency that administers grants from the Office of Justice Programs' Corrections Program Office.

4. Research using incident-based crime data that are compatible with the National Incident-Based Reporting System.

5. Internet infrastructure development and linkages, including building a World Wide Web page, computer support, and preparing reports for dissemination via the Internet. Applicants may select an existing Internet server as the location for their site; if such an arrangement is impractical, applicants should contact BJS and JRSA in preparing their applications so that appropriate Internet site locations can be made available to SACs.

6. Technical assistance to an urban, rural or tribal community which is a recipient of funding from the OJP Safe Kids - Safe Streets Program. BJS will inform in writing those States that are eligible for funding under this theme. (To be determined after sites are selected for these awards.)

7. Analysis of criminal history records (such as for patterns of criminal behavior or stalking), evaluation or review of the State's criminal history record improvement activities, or

studies related to handgun use. Applications choosing this topic are eligible for funding higher than the otherwise normal award amount and must show separately the budgeted expenditures for this item. At most one topic may be proposed in this topic area. The application must either state that the applicant is also the State's administrator of NCHIP funds or include a letter or memorandum of endorsement from the State agency administering NCHIP funds.

8. Any theme or topic that is identified by the SAC applicant and is accompanied by persuasive documentation and justification that the subject is a top priority for the state's Governor or criminal justice policy officials.

G. Eligibility Requirements

The applicant SAC should be authorized by State legislation or executive order. If it is not, then in its initial application under this guideline the SAC should indicate how it is currently authorized. The SAC must be a nonpartisan professional organization which serves all branches of the criminal justice system and all levels of government in the State as well as the general public. Objectivity, independence, and visibility are important considerations in determining its placement in the State government. It is desirable that the SAC not be part of an agency that has line responsibilities in criminal justice programs; if the SAC is located in such an agency, special provisions must be made to ensure the SAC's broad mission, objectivity, independence, and visibility. These provisions must be documented in each application for funding. Examples of such provisions are letters of agreement from agencies that deal with other aspects of criminal justice in the State, or a SAC advisory board that includes policy-level officials of such agencies. The SAC must inform BJS of any substantive changes in these provisions, such as changes in the advisory board's structure or revisions in the scope of letters of agreement.

Applications for SAC funding must contain an explanation of the placement of the SAC within the State organization structure, including the SAC's relationship to the Governor's Office, to other relevant State agencies, and any other organizations included as recipients of funds in the application.

The SAC must be staffed by professionals skilled in the statistical treatment of data for policy analyses and familiar with the factors, issues, and processes involved in crime and the criminal justice system. Each application must identify the SAC director and other key personnel and must provide brief summaries of their qualifications. However, a duplicate qualification summary need not be provided if it was submitted as part of an earlier application. In the case of vacant positions, job descriptions must be provided. If the SAC directorship becomes vacant after an award is made, the recipient agency must notify BJS, and submit the position description and required qualifications to be used in recruiting a replacement. When a replacement is designated, a resume of the individual's qualifications must be submitted to BJS for approval.

State Statistical Analysis Centers are the only entities eligible to apply for funds under the SJS program. General applicants must meet the requirements for a SAC as specified in these

Guidelines. The *Catalog of Federal Domestic Assistance* (CFDA) number for the SAC program is 16.550 (Criminal Justice Statistics Development).

It is permissible for some or all of the work to be performed under the SAC's overall direction by other persons or organizations, such as other State agencies, universities, nonprofit research firms, and private consultants. If work will be performed outside of the SAC, the application must include the qualifications of those performing the work. SACs that wish to apply for funds in cooperation with another organization but lack the authority to transfer funds to the cooperating organization should contact their BJS state monitor.

H. Selection Criteria

In making decisions to award funds under this program, BJS will be the sole judge of whether the application meets program requirements and whether it is operating satisfactorily and conforms to all applicable Federal and State requirements. The amount of the award will be based on the strength of the justification for what it is seeking to do and accomplish during the award period. Final authority on funding decisions is vested in the Director of BJS. Each application should contain a statement of the intended project's goals and objectives; the proposed strategy for achieving them, including anticipated products; and an evaluation of the project.

The criteria for review and selection include:

- (1) Applications should be written so that each task or activity is costed separately and in priority order. Applicants are encouraged to attach a product to each task, such as a report or publication. If a project report or publication is not scheduled for the end of the first year, the application for continuation funding should include a discussion of the status of each task and the progress made during the preceding project period;
- (2) Organizational integrity, technical competence, and organizational placement of the applicant and other organizations proposed for funding;
- (3) Experience of applicant's personnel in similar work;
- (4) Technical soundness and completeness of the proposed approach;
- (5) Appropriateness of the project schedule and budget;
- (6) Past record of applicant's performance with previous awards, including quality of work, completeness, and adherence to schedules;
- (7) The extent to which the program narrative addresses specific objectives of the SJS program, and the dollar resources needed to achieve them; and

- (8) An application will not be evaluated negatively if it selects Theme 8.

I. Award Period

Awards made under this announcement will be in the form of a cooperative agreement. Awards normally will be for twelve months, but can be longer if the applicant chooses. An award may be made for more than twelve months, but not to exceed twenty-four months, under the following circumstances:

One or more of the projected tasks/activities will take more than twelve months to complete, and a commitment of resources is needed to assure its/their successful completion. The amount requested may be prorated based upon the per year amount of that task.

If you anticipate submitting an application under the scenario described above, contact your BJS Program Manager before submitting the application.

No-cost extensions may be granted by BJS for good cause (for example, under-spending due to an unavoidable staff vacancy). Extensions should be requested in writing at least 30 days in advance of the award's scheduled expiration date; requests that are received later may not be approved. BJS will not approve any extension of more than 1 year beyond the original expiration date of the award.

J. Award Amount

No minimum or maximum amount is established for an award. While the amount of past SAC awards may be used as a guide when preparing the application, sufficiently strong justification of tasks and activities could result in an award greater than that in the past; a weak justification may result in a smaller award. Each award is intended to supplement State financial support of the SAC.

The total amount to be awarded under this program is estimated to be \$2,450,000.

K. Due Date

Applications should be submitted to BJS at least 90 days before the requested starting date for the initial award to a SAC applying under this guideline. For funding in FY 1997, applications should be received by BJS no later than June 30, 1997. Applications received after June 30th may be deferred until the next fiscal year, beginning October 1, 1997.

This guideline is effective upon its release by BJS. However, a SAC with a current award which expires on or before February 28, 1997 may apply under this guideline or the guideline governing the SAC program issued in June 1996.

L. Contact

For further information, contact Paul White, SJS Program Manager, at (202) 307-0771, or your state program manager.

U.S. Department of Justice

11/01/96

Office of Justice Programs

FISCAL YEAR 1997 AT-A-GLANCE





U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

NOV 01 1996

Dear Colleague:

On September 30, 1996, the U.S. Department of Justice Office of Justice Programs (OJP) received its full FY 1997 appropriations pursuant to Pub.L. 104-280. OJP is committed to working with all applicants to expedite the grant award process whenever practicable--and to work in partnership to address the problems of crime and violence affecting this nation.

This edition of "At-A-Glance" provides highlights of Fiscal Year (FY) 1997 programs, including funding levels authorized by the FY 1997 Omnibus Appropriations Act. Specifically, descriptions summarize:

- OJP Crime Act program information;
- OJP priority program features;
- Bureau program highlights;
- Who can apply for these grants; and
- Status of program regulations, guidelines, reports, application kits, or grant awards.

Also included is a chart showing--state-by-state--estimated or final allocations under OJP FY 1997 formula-based programs for the Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, Office for Victims of Crime, the OJP Corrections Program Office, and the OJP Violence Against Women Grants Office.

To receive further information about OJP's FY 1997 programs and/or to be placed on the mailing list to receive FY 1997 program plans or other related material as they become available, contact the Department of Justice Response Center at 800/421-6770 or within the Washington, D.C. calling area at 202/307-1480 or the OJP Office of Congressional and Public Affairs at 202/307-0703.

Sincerely,

Laurie Robinson
Assistant Attorney General

11/01/96

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■ **GRANTS TO COMBAT VIOLENCE AGAINST WOMEN**
STOP Violence Against Women Formula Grants
1994 Crime Act Section 40121

FY 1996 APPROPRIATION:	\$130 MILLION
FY 1997 APPROPRIATION:	\$145 MILLION

GRANT PROGRAM INFORMATION

The OJP Violence Against Women Grants Office (VAWGO) administers the formula grant program to develop and strengthen law enforcement and prosecutorial strategies to combat violent crimes against women and develop and strengthen victim services in cases involving violent crimes against women.

The formula is as follows:

- 4 % is for grants to Indian tribal governments;
- A base amount of \$500,000 will be available to each state; and
- The remaining funds are to be distributed to each state in an amount that bears the same ratio to the amount of remaining funds as the population of the state bears to the population of all of the states.
- Each state must allocate 25% of the funds it receives to support law enforcement programs, 25% to prosecution programs, and 25% to nonprofit, nongovernmental victim services programs.

ELIGIBILITY

As designated by each governor, states, including Guam, American Samoa, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands, and the District of Columbia, (for use by states, units of local government, and nonprofit nongovernmental victim services programs), and Indian tribal governments are eligible for the grants.

*STOP Violence Against Women Formula Grants continued**APPLICATIONS AND AWARDS*

VAWGO issued the FY 1997 application kit on October 11, 1996 to the agency designated by the governor. Applications were due by October 25. Awards will be made on a rolling basis as applications are approved. All awards are expected to be made by December 1, 1996.

■ **GRANTS TO COMBAT VIOLENCE AGAINST WOMEN**
STOP Violence Against Indian Women Discretionary Grants
1994 Crime Act Section 40121

FY 1996 FUNDING:	\$5.2 MILLION
FY 1997 FUNDING:	\$5.8 MILLION

GRANT PROGRAM INFORMATION

The OJP Violence Against Women Grants Office (VAWGO) administers this **discretionary** grant program to develop and strengthen **tribal** law enforcement and prosecutorial strategies to combat violent crimes against Indian women and develop and strengthen victim services in cases involving violent crimes against Indian women.

The Crime Act specifies that 4 % of the amount appropriated each year for the STOP Violence Against Women Formula Grants be available for grants to Indian tribal governments. The total FY 1997 STOP appropriation is \$145 million.

ELIGIBILITY

There are three categories of eligible recipients in FY 1997:

- the 14 Tribal governments selected for funding in FY 1995, with supplemental funds awarded in FY 1996, are eligible to apply for continuation grants in FY 1997;
- the 23 tribes that applied but did not receive funding in FY 1996 are eligible to receive FY 1997 funding; and
- VAWGO will reach out to the 381 federally recognized tribes that have not yet applied for funding. If more applications are received than FY 1997 funds are available, VAWGO will consider funding them in FY 1998.

The 53 tribes that received initial funding in FY 1996 will be eligible to receive continuation funding, at the conclusion of their current project period, in FY 1998.

*STOP Violence Against Indian Women Discretionary Grants continued****REGULATIONS/GUIDELINES/REPORTS***

VAWGO will issue application materials to all eligible tribes by November 15, 1996. Applications will be due by January 15, 1997, with awards anticipated to be made by February 15, 1997.

■ **GRANTS TO ENCOURAGE ARREST POLICIES IN
DOMESTIC VIOLENCE CASES**
1994 Crime Act Section 40231

FY 1996 APPROPRIATION:	\$28 MILLION
FY 1997 APPROPRIATION:	\$33 MILLION

GRANT PROGRAM INFORMATION

The OJP Violence Against Women Grants Office (VAWGO) administers a **discretionary** grant program to encourage policies that treat domestic violence as a serious criminal offense.

Grants will be awarded for the following purposes:

- To implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs or pro-arrest programs and policies for protection order violations.
- To develop policies and training in police departments and other criminal justice agencies to improve tracking of cases involving domestic violence.
- To centralize and coordinate police enforcement, prosecution, probation, parole, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, probation and parole officers, or judges.
- To coordinate computer tracking systems to ensure communication between police, prosecutors, and both criminal and family courts.
- To strengthen legal advocacy service programs for victims of domestic violence.
- To educate judges, and others responsible for judicial handling of domestic violence cases in criminal, tribal, and other courts about domestic violence and to improve judicial handling of such cases.

*Grants to Encourage Arrest Policies in Domestic Violence Cases continued***ELIGIBILITY**

FY 1997 grant recipients will be selected from the September 1996 applicant pool. If a jurisdiction did not apply in FY 1996 and has an innovative project to propose, OJP will consider it; however, there is no guarantee of funding.

APPLICATIONS AND AWARDS

Applications for FY 1996 funding were due on September 16, 1996. Both FY 1996 and FY 1997 grant recipients will be selected from this applicant pool. These applications will be peer reviewed in late October 1996.

OJP will announce FY 1996 and FY 1997 award recipients by December 1, 1996.

■ **RURAL DOMESTIC VIOLENCE AND CHILD ABUSE
ENFORCEMENT ASSISTANCE**
1994 Crime Act Section 40295

FY 1996 APPROPRIATION:	\$7 MILLION
FY 1997 APPROPRIATION:	\$8 MILLION

GRANT PROGRAM INFORMATION

The OJP Violence Against Women Grants Office (VAWGO) administers this discretionary grant program to implement, expand, and establish cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence and child abuse; to provide treatment and counseling to victims of domestic violence and child abuse; and to work in cooperation with the community to develop education and prevention strategies directed toward such issues.

ELIGIBILITY

Twenty awards were announced on October 11, 1996. VAWGO will select FY 1997 applicants from the FY 1996 pool of applicants. If a jurisdiction did not apply in FY 1996 and has an innovative project to propose, OJP will consider it; however, there is no guarantee of funding.

APPLICATIONS AND AWARDS

OJP will make awards by December 1, 1996.

■ **PRISON GRANTS: VIOLENT OFFENDER INCARCERATION AND
TRUTH-IN- SENTENCING :
FORMULA GRANT PROGRAM**

1994 Crime Act, Sections 20101-20102, as amended
by P.L.104-134

FY 1996 APPROPRIATION:	\$617.5 MILLION
FY 1997 APPROPRIATION:	\$670 MILLION

GRANT PROGRAM INFORMATION

The OJP Corrections Program Office (CPO) administers the grant program.

Of the \$670 million FY 1997 appropriation for the Violent Offender Incarceration and Truth-in-Sentencing Grant Program, \$170 million has been allocated for the State Criminal Alien Assistance Program (SCAAP) Program and \$12.5 million for the Cooperative Agreement Program, (administered by the U.S. Marshals Service to improve state and local correctional facilities holding federal prisoners).

Formula grant funds of approximately \$471.4 million are available for awards to the states. These funds may be used to build or expand:

- 1) correctional facilities for violent offenders;
- 2) temporary or permanent correctional facilities for nonviolent offenders and criminal aliens to free prison space for violent offenders; and
- 3) jails.

Half of the **formula grant funds** (\$235.7 million) are available for the Violent Offender Incarceration (VOI) grants and half for Truth-in-Sentencing (TIS) grants. If qualified, states may apply for funds under both programs.

Violent Offender Incarceration: VOI provides a three-tiered formula with 85 % used for the first two tiers and 15 % reserved for the third.

Tier 1: To receive a Tier 1 base award, a state must assure that it has **implemented or will implement** policies and programs to ensure that violent offenders serve a substantial portion of the sentences imposed, that

Prison Grants: Violent Offender Incarceration and Truth-In-Sentencing Program continued

punishment is sufficiently severe, and that the prison time served is appropriate to the crime and to protect the public.

Tier 2: A state that receives Tier 1 funds is eligible to receive additional funds allocated on the basis of Part 1 violent crime if it demonstrates that since 1993 it has increased: the percent of violent crime arrestees sentenced to prison, the average prison time served, or the percent of sentence served.

Tier 3: A state that qualifies for Tier 1 funds is eligible to receive 3 % of the Tier 3 funds, plus a portion of the balance on the basis of its Part 1 violent crimes if it demonstrates that it has increased: the percent of violent crime arrestees sentenced to prison and the percent of sentences served since 1993, or has increased new court commitments by 10 % in the last 3 years.

Truth-in-Sentencing Incentive Program: A state is eligible for TIS funds allocated on the basis of Part 1 violent crimes if it demonstrates one of the following:

- 1) It has implemented truth-in-sentencing laws that require persons convicted of a Part 1 violent crime to serve not less than 85 % of the sentence imposed.
- 2) It has implemented truth-in-sentencing laws that result in persons convicted of Part 1 violent crime serving on average not less than 85 % of the sentence imposed.
- 3) It has enacted truth-in-sentencing laws that will be implemented within the next 3 years, to provide that persons convicted of a Part 1 violent crime serve not less than 85 % of the sentence imposed.
- 4) It practices indeterminate sentencing with regard to any Part 1 violent crime and persons convicted of a violent crime on average serve not less than 85 % of the prison term established under the sentencing and release guidelines.
- 5) It practices indeterminate sentencing and persons convicted of a Part 1 violent crime on average serve not less than 85 % of the maximum prison term imposed by the court.

*Prison Grants: Violent Offender Incarceration and Truth-In-Sentencing Program continued***ELIGIBILITY**

States and states organized as regional compacts may apply for **formula grant funds**. State means a state of the United States, and the District of Columbia, Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. States may make subawards to units of local government.

APPLICATIONS AND AWARDS

The OJP CPO expects to issue a program guidance and application kit around November 8, 1996. The kit will be available on the Internet at <http://www.ojp.usdoj.gov/cpo> or by calling 1-800/848-6325. CPO Tier 1 FY 1997 applications will be due by December 1, 1996, with awards expected to be made by the end of calendar year 1996. Applications for Tiers 2 and 3 and Truth-in-Sentencing are due July 1, 1997, with awards expected by September 30, 1997.

■ **PRISON GRANTS: VIOLENT OFFENDER INCARCERATION AND
TRUTH-IN- SENTENCING:
DISCRETIONARY GRANT PROGRAM**
1994 Crime Act, Sections 20101-20102, as amended
by P.L.104-134

FY 1996 FUNDING:	\$1.2 MILLION
FY 1997 FUNDING:	\$1.46 MILLION

GRANT PROGRAM INFORMATION

The OJP Corrections Program Office (CPO) administers this program. Discretionary grants totaling 0.3 % (\$1.5 million) will be awarded to build jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction. FYs 1996 and 1997 funds are being targeted to two tribes with an identified need for expanded/ and/or improved facilities for juvenile offenders.

ELIGIBILITY

The Yankton Indian Tribe in South Dakota and the Gila River Tribe in Arizona are eligible.

APPLICATIONS AND AWARDS

Combined FYs 1996 and 1997 awards (totaling \$2.7 million) will be made in November 1996.

■ **RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS**
1994 Crime Act Section 32101

FY 1996 APPROPRIATION:	\$27 MILLION
FY 1997 APPROPRIATION:	\$30 MILLION

GRANT PROGRAM INFORMATION

The OJP Corrections Program Office (CPO) administers this **formula** grant program to fund programs that provide individual and group substance abuse treatment activities for offenders in residential facilities operated by state and local correctional agencies.

The distribution of funds is based on the following **formula**:

- Each participating state will receive 0.4% of the funds;
- Of the total remaining amount, each participating state will receive a percentage of the funds based on its prison population, as compared to the prison population of all participating states.

To receive funding, states must agree to require drug testing of individuals enrolled in the treatment program and to give preference to projects that provide aftercare services when the individuals leave the correctional facility.

ELIGIBILITY

States may apply for funding. State means a state of the United States, and Guam, American Samoa, Northern Mariana Islands, U.S. Virgin Islands, Puerto Rico, and the District of Columbia.

APPLICATIONS AND AWARDS

The application kit will be issued around November 8, 1996. The kit will be available on the Internet at <http://www.ojp.usdoj.gov/cpo>, or by calling 1-800/848-6325. Applications will be due by December 1, 1996, with awards expected by the end of calendar year 1996.

■ **DRUG COURTS**

1994 Crime Act Section 50001

FY 1996 APPROPRIATION:	\$15 MILLION (In reprogrammed \$)
FY 1997 APPROPRIATION:	\$30 MILLION

GRANT PROGRAM INFORMATION

The OJP Drug Courts Program Office (DCPO) administers the discretionary drug court grant program to subsidize state and local drug courts that provide specialized treatment and rehabilitation for certain non-violent substance abusing offenders.

Programs are intended to provide continuing judicial supervision of non-violent offenders and integrated administration of other sanctions and services, including:

- 1) mandatory periodic testing for the use of controlled and other addictive substances during any period of supervised release or probation for each participant;
- 2) substance abuse treatment for each participant;
- 3) diversion, probation, or other supervised release involving the possibility of prosecution, confinement or incarceration based on noncompliance with program requirements or failure to show satisfactory progress;
- 4) programmatic offender management and aftercare services.

ELIGIBILITY

States (including Guam, American Samoa, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands, and the District of Columbia), state courts, local courts, units of local government and Indian tribal governments may apply for funding.

APPLICATIONS AND AWARDS

Because of the late appropriation for FY 1996, which included a reprogramming action, DCPO issued its FY 1996 application kit on October 1, 1996. A substantial portion of the FY 1997 appropriation will fund applications submitted for FY 1996. The deadline for applications is December 2, 1996. DCPO will make awards in February 1997.

■ **STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP)**
 Immigration Reform and Control Act, Section 242(j)
 1994 Crime Act, Section 20301, Title II, subtitle A, Sections 20101-20102

	<u>FY 1996</u>	<u>FY 1997</u>
DIRECT APPROPRIATION:	\$300 MILLION	\$330 MILLION
FROM APPROPRIATION FOR VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING INCENTIVE GRANTS:	\$200 MILLION	\$170 MILLION
<u>TOTAL FUNDING:</u>	<u>\$500 MILLION</u>	<u>\$500 MILLION</u>

REIMBURSEMENT PROGRAM INFORMATION

The Bureau of Justice Assistance (BJA) administers this program.

ELIGIBILITY

States (including Guam, Puerto Rico, U.S. Virgin Islands, and the District of Columbia) and localities are eligible to apply and must submit applications pursuant to procedures specified by BJA. Requests for reimbursement will include information such as the number of incarcerated criminal aliens, the average cost incurred per bed space per year, and alien specific identification material. Data will be verified by BJA and the Immigration and Naturalization Service (INS).

Funds made available for Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens.

APPLICATIONS AND AWARDS

BJA anticipates issuing the program guidance and application kit in mid-summer 1997. Absent significant data verification problems, BJA anticipates making awards by November 1997.

■ **NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM (NCHIP)**
1994 Crime Act Section 210603

FY 1996 APPROPRIATION:	\$25 MILLION
FY 1997 APPROPRIATION:	\$50 MILLION

GRANT PROGRAM INFORMATION

The Bureau of Justice Statistics (BJS) administers this **discretionary** grant program to provide direct awards and technical assistance to states to help upgrade their criminal history record keeping systems and to support establishment of the National Instant Criminal Background Check System (NICS). The BJS National Criminal History Improvement Program (NCHIP) implements this legislation.

Since the FY 1997 appropriation encompasses the National Child Protection Act, a portion of NCHIP continuation funds may be used to flag child abuse offenders; collect data on misdemeanors relating to abuse of children, the elderly, and the disabled; develop systems for civil restraining orders; and cover costs associated with background checks on volunteers.

ELIGIBILITY

Awards will be made to the agency designated by the Governor to administer the NCHIP program. States, including Guam, Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, and the District of Columbia, are also eligible to receive technical assistance.

APPLICATIONS AND AWARDS

BJS anticipates issuing the 1997 program announcement to the states in spring 1997. BJS anticipates making awards in fall 1997.

■ **NATIONAL STALKER AND DOMESTIC VIOLENCE REDUCTION**
 1994 Crime Act Sections 40601-40611

FY 1996 APPROPRIATION:	\$1.5 MILLION
FY 1997 APPROPRIATION:	\$1.75 MILLION

GRANT PROGRAM INFORMATION

The Bureau of Justice Statistics (BJS) administers this **discretionary** grant program to provide grants and technical assistance to states to improve processes for identifying, collecting, and entering data regarding stalking and domestic violence into local, state, and national crime information databases.

The program to implement these requirements has been incorporated into the BJS National Criminal History Improvement Program (NCHIP); the \$1.75 million direct appropriation is provided to extend the stalking and domestic violence component of the NCHIP program.

ELIGIBILITY

State agencies designated by the Governor to implement NCHIP are eligible. State means a state of the United States and Guam, Puerto Rico, U.S. Virgin Islands, American Samoa, Northern Mariana Islands, and the District of Columbia. Funding requests should be included as part of the state's NCHIP application.

Applicants must certify they have or intend to establish a program that enters into the National Crime Information Center records of:

- warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence;
- arrests or convictions of persons violating protection or domestic violence orders; and
- protection orders for the protection of persons from stalking or domestic violence.

*National Stalker and Domestic Violence Reduction continued***APPLICATIONS AND AWARDS**

On September 3, 1996, BJS issued program guidance to all states. BJS will make funds available by December 1, 1996 to states that submit applications to BJS by November 12, 1996. The remaining states will receive their funds as part of their NCHIP FY 1997 awards. BJS anticipates that the FY 1997 NCHIP program announcement, including reference to the stalker and domestic violence provisions, will be announced in spring 1997, with awards to be made in fall 1997.

■ ***DNA IDENTIFICATION GRANTS: FUNDING TO IMPROVE THE QUALITY AND AVAILABILITY OF DNA ANALYSES FOR LAW ENFORCEMENT IDENTIFICATION PURPOSES***

1994 Crime Act Section 210301(c)

FY 1996 APPROPRIATION:	\$1 MILLION
FY 1997 APPROPRIATION:	\$3 MILLION

GRANT PROGRAM INFORMATION

The National Institute of Justice (NIJ) will administer this discretionary grant program to develop or improve DNA identification capabilities.

ELIGIBILITY

States and units of local government, or combinations thereof, are eligible for funding to implement a program to develop or improve the capability to analyze DNA in a forensic laboratory. State means a state of the United States and Guam, Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, and the District of Columbia.

To request a grant, the chief executive of a state or a unit of local government shall submit an application to NIJ, which certifies:

- DNA analyses will meet or surpass quality assurance standards issued by the Director of the FBI;
- DNA samples and analyses will be made available only to appropriate personnel; and
- The laboratory and each analyst will undergo external proficiency testing at regular intervals.

APPLICATIONS AND AWARDS

Thirty-seven FY 1996 grants were awarded in June 1996. The FY 1997 DNA Laboratory Program solicitation was issued in September 1996. Applications are due to NIJ on December 20, 1996. NIJ anticipates making FY 1997 awards in July 1997.

■ **TECHNICAL ASSISTANCE AND TRAINING FOR MANAGING
SEX OFFENDERS IN THE COMMUNITY**

1994 Crime Act Section 40152

FY 1996 APPROPRIATION:	\$1 MILLION
FY 1997 APPROPRIATION:	\$1 MILLION

GRANT PROGRAM INFORMATION

The Office of the Assistant Attorney General for OJP, in consultation with the OJP Violence Against Women Grants Office (VAWGO) administers this discretionary technical assistance and training program to promote the safe and effective management of sex offenders in the community. This program is directed primarily at assisting probation and parole officers and other personnel who work directly with released sex offenders.

Technical assistance and training programs in the areas of case management, supervision, and relapse prevention are available in geographically diverse locations throughout the country and are designed for all segments of the criminal justice system.

An additional \$900,000 is available from FY 1996 funds not yet expended.

APPLICATIONS AND AWARDS

OJP has selected the Center for Effective Public Policy to assist OJP in a November 24-26, 1996, Washington, D.C. summit, which will bring together members from the research community, policy makers, team-based criminal justice and treatment practitioners, and victims representatives to provide direction to the follow-on technical assistance and training initiative.

OJP expects to let additional contracts in January 1997. Technical assistance and training will be available to interested jurisdictions by February 1997.

■ **LAW ENFORCEMENT FAMILY SUPPORT**
1994 Crime Act Section 210101

FY 1996 APPROPRIATION:	\$1 MILLION
FY 1997 APPROPRIATION:	\$1 MILLION

GRANT PROGRAM INFORMATION

The National Institute of Justice (NIJ) administers this **discretionary** grant program to provide for family support services in state and local law enforcement agencies. Funds are also available to carry out research, model program evaluation, and technical assistance and training relating to such policies.

NIJ will issue a FY 1997 solicitation for this program as part of the larger NIJ 1997 Policing Research Solicitation for:

- 1) program development demonstrations in state or local law enforcement agencies that will support the expansion of an existing employee assistance or stress reduction program to provide one or more of the support services, such as counseling for family members, child care on a 24-hour basis, or marital and adolescent support groups, or to expand the number of law enforcement families reached, possibly by partnership efforts between two or more departments; and
- 2) regional training programs coordinated with state-level or large police department academies designed for those expected to plan, implement, and manage family support services in their agencies and organizations. The focus will be on the newer services being offered; new organizational arrangements and resource-sharing partnerships, particularly for smaller departments; and on prevention services and programs.
- 3) NIJ will award up to 10 % of funds for research grants to a state or local law enforcement agency or organization to study the factors that promote officers' acceptance and use of services, feasible program strategies for small or rural agencies, evaluations and cost analyses of promising programs or other related topics.

ELIGIBILITY

States, local law enforcement agencies, and organizations representing state or local law enforcement personnel are eligible to apply for grants. State means a state of the United States and Guam, Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, and the District of Columbia.

*Law Enforcement Family Support continued****APPLICATIONS AND AWARDS***

NIJ anticipates issuing the FY 1997 Law Enforcement Family Support solicitation, a part of the larger NIJ 1997 Policing Research Solicitation, by January 1997 and making awards by late June 1997.

■ **MOTOR VEHICLE THEFT PREVENTION PROGRAM**
1994 Crime Act Section 220002

FY 1996 APPROPRIATION:	\$500,000
FY 1997 APPROPRIATION:	\$750,000

GRANT PROGRAM INFORMATION

The Bureau of Justice Assistance (BJA) administers this discretionary grant program to assist states in developing a national voluntary motor vehicle theft prevention program. The vehicle owner may voluntarily sign a consent form with a participating state or locality, agreeing to display program decals on the vehicle and allow law enforcement officials in any state to stop the vehicle. Participating states and localities agree to notify law enforcement officials throughout the state about the program and familiarize them with the conditions under which a vehicle may be stopped. These conditions may not be based on race, creed, color, national origin, gender, or age and may include:

- the operation of the vehicle during certain hours of the day; and
- operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner or with consent of the owner.

A state or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

BJA has adopted the State of Texas "Watch Your Car" vehicle theft prevention program as the national model, using its logo and icon as standardized symbols of participation in the national program.

ELIGIBILITY

States (including Guam, American Samoa, Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands, and the District of Columbia) and localities are eligible to apply for an award.

FINAL RULE, APPLICATIONS AND AWARDS

The Motor Vehicle Theft Prevention Act of 1994 Final Rule was published in the Federal Register on August 6, 1996. BJA plans to issue an application kit to states and localities by spring 1997 and make awards by late summer 1997.

■ **PROTECTIONS FOR THE ELDERLY**
(MISSING ALZHEIMER'S DISEASE PATIENT ALERT PROGRAM)
 1994 Crime Act Section 240001

FY 1996 APPROPRIATION:	\$900,000
FY 1997 APPROPRIATION:	\$900,000

GRANT PROGRAM INFORMATION

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers this **discretionary** grant program to assist an eligible organization in paying for the costs of planning, designing, establishing, and operating a locally based, proactive program to protect and locate missing patients with Alzheimer's disease and related dementias.

ELIGIBILITY

A national voluntary organization that has a direct link to patients and families of patients with Alzheimer's disease and related dementias is eligible to apply. The applicant must assure that the organization will obtain and use assistance from private nonprofit organizations to support the program.

APPLICATIONS AND AWARDS

On September 11, 1996, OJJDP awarded an FY 1996 continuation grant to the Alzheimer's Disease and Related Disorders Association. OJJDP anticipates receiving a continuation grant application from this organization in June 1997 and awarding FY 1997 funds by September 1997.

■ **TELEMARKETING FRAUD**
1994 Crime Act Section 250005(3)

FY 1996 APPROPRIATION:	\$0
FY 1997 APPROPRIATION:	\$2 MILLION

GRANT PROGRAM INFORMATION

The Bureau of Justice Assistance (BJA) will administer this FY 1997 **discretionary** grant program to conduct, in cooperation with state and local law enforcement agencies and senior citizen advocacy organizations, public awareness and prevention initiatives for senior citizens, such as seminars and training.

ELIGIBILITY/ APPLICATIONS AND AWARDS

BJA is developing its FY 1997 program plan. Application solicitations for particular programs will be released on a rolling basis subsequent to issuance of the program plan.

■ **LOCAL LAW ENFORCEMENT BLOCK GRANTS**

Pursuant to P.L.104-134

FY 1996 DIRECT APPROPRIATION:	\$503 MILLION
FY 1997 DIRECT APPROPRIATION:	\$523 MILLION

GRANT PROGRAM INFORMATION

\$523 million is appropriated for FY 1997, of which \$20 million is allocated for Boys and Girls Clubs of America for the establishment of Boys and Girls Clubs in public housing facilities in cooperation with state and local law enforcement and \$20 million is allocated to the National Institute of Justice (NIJ) to assist units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement.

The Bureau of Justice Assistance (BJA) administers **block grants** to units of local government to reduce crime and enhance public safety through:

- hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel;
- paying overtime to presently employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel;
- procuring equipment, technology, and other material directly related to basic law enforcement functions;
- enhancing security measures in and around schools and in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime;
- establishing or supporting drug courts;
- enhancing the adjudication process of cases involving violent offenders, including violent juvenile offenders;
- establishing a multijurisdictional task force, particularly in rural areas, composed of law enforcement officials to prevent and control crime; and

Local Law Enforcement Block Grants continued

- establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals.

Funds may also be used to defray the costs of indemnification insurance for law enforcement officers.

ELIGIBILITY

Units of local government are eligible to apply for an award. Units of local government are counties, towns and townships, villages, cities, and Puerto Rico. Indian tribes and Alaskan Native villages that carry out substantial governmental duties and powers are also eligible.

BJA will make awards directly to units of local government when award amounts are at least \$10,000. BJA will notify every unit of local government eligible to apply for an award of \$10,000 or more.

Each state (including Puerto Rico, Guam, American Samoa, U.S. Virgin Islands, and Northern Mariana Islands) will receive the remainder of the state's allocation for local applicants whose award amounts are less than \$10,000. BJA will make one aggregate award directly to the state. The state will distribute such funds among state police departments that provide law enforcement services to units of local government and units of local government whose allotment is less than \$10,000.

APPLICATIONS AND AWARDS

BJA anticipates issuing application kits for direct awards to local jurisdictions and application kits to states by spring 1997. BJA plans to make awards in summer 1997.

SAFE KIDS-SAFE STREETS PROGRAM

Pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, as amended by 42 U.S.C. Sec. 3760

FY 1996 FUNDING:	Up to \$2.7 MILLION for funding to demonstration sites
	Up to \$300,000 for program evaluation
FY 1997 FUNDING:	Up to \$2.7 MILLION for continuation funding to demonstration sites;
	Up to \$300,000 for program evaluation

GRANT PROGRAM INFORMATION

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers the program on behalf of all of the Bureaus, the OJP Executive Office for Weed and Seed (EOWS), and the Violence Against Women Grants Office (VAWGO).

The program focuses on breaking the cycle of early childhood victimization and later juvenile or adult criminality through community approaches including system reform, provision of services, prevention education, and data collection and evaluation.

ELIGIBILITY/APPLICATIONS AND AWARDS

FY 1996 applications were due September 9, 1996. Awards are expected in December 1996.

FY 1997 awards will fund continuation of the FY 1996 grant recipients for both the demonstration sites and program evaluation. After initial reviews to insure that selected sites should be continued, FY 1997 awards are expected to be made late in calendar year 1997.

■ **BUREAU OF JUSTICE ASSISTANCE:
FORMULA GRANT PROGRAM**

Pursuant to the Omnibus Crime Control and Safe Streets Act of 1968,
as amended by 42 U.S.C. Sec. 3760

FY 1996 APPROPRIATION:	\$475 MILLION
FY 1997 APPROPRIATION:	\$500 MILLION

GRANT PROGRAM INFORMATION

Edward Byrne Memorial State and Local Law Enforcement Assistance Program

Funds appropriated for the Bureau of Justice Assistance's (BJA) formula grant program are administered by the 56 eligible states and territories. The states subgrant funds to units of local government. Funds must be used in accordance with 27 purpose areas under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

ELIGIBILITY

The 56 states and territories (Guam, Puerto Rico, U.S. Virgin Islands, Northern Mariana Islands, American Samoa, and the District of Columbia) are eligible for funding.

APPLICATIONS AND AWARDS

BJA issued applications to the 56 eligible states and territories on October 9, 1996. Applications are due on November 29, 1996. By statute, complete applications are processed for award within 45 days of receipt by BJA.

**BUREAU OF JUSTICE ASSISTANCE:
DISCRETIONARY GRANT PROGRAM**

Pursuant to the Omnibus Crime Control and Safe Streets Act of 1968,
as amended by 42 U.S.C. Sec. 3760

FY 1996 APPROPRIATION:	\$60 MILLION
FY 1997 APPROPRIATION:	\$60 MILLION

GRANT PROGRAM INFORMATION

Edward Byrne Memorial State and Local Law Enforcement Assistance Program

The Director of BJA has the authority to make direct awards to states, units of local government, and private non-profit groups for the support of state and local criminal justice system initiatives. A number of programs have been designated by Congress to be funded from the BJA FY 1997 Byrne discretionary grant appropriation. (Funding levels for some programs are yet to be determined.) The designated programs to receive FY 1997 discretionary funding are:

- Weed and Seed program: (\$28.5 million) continuation funding;
- National Crime Prevention Council (\$4 million) to continue and expand the National Citizen's Crime Prevention Campaign (McGruff);
- Washington Metro Area Drug Enforcement Task Force (\$2 million) to continue the task force;
- Drug Abuse Resistance Education (DARE) program: (\$1.75 million) to continue and expand the DARE AMERICA program;
- SEARCH Group, Inc.: (\$1 million) to continue and expand the National Technical Assistance Program, which provides support to state and local criminal justice agencies to improve computer and information technology;
- National Judicial College: (\$1 million) continuation funding;
- National Motor Vehicle Title Information System: (\$1 million) to begin pilot implementation and complete the network system authorized by the Anti-Car Theft Improvement Act;

Bureau of Justice Assistance Grants continued

- Project Return: (\$775,000) to fund a correctional options program which has achieved very high rates of employment placement along with few instances of reincarceration of ex-offenders;
- VINE program: (\$TBD) to support the Victim Information and Notification Everyday (VINE) program;
- National Night Out Program: (\$TBD) program continuation;
- Violence Institute: (\$TBD) to coordinate efforts in New Jersey into a comprehensive, focused response to violent crime;
- Local Initiative Support Corporation: (\$TBD) to fund the community security program, which establishes partnerships between local police departments and Community Development Corporations to promote crime prevention;
- Trauma Reduction Initiative: (\$TBD) to fund the initiative; and
- National Council of Juvenile and Family Courts: (\$TBD) program continuation.

In addition, Congress has asked that the Department of Justice consider reprogramming funds to continue to support state and local task forces to address church burnings. BJA would administer the program should funds be reprogrammed.

ELIGIBILITY/ APPLICATIONS AND AWARDS

BJA is developing its FY 1997 program plan and expects to issue it early in calendar year 1997. Application solicitations for particular programs will be released on a rolling basis.

■ ***GRANTS FOR CLOSED-CIRCUIT TELEVISIONING OF
CHILD VICTIMS OF ABUSE***

Pursuant to the Victims of Child Abuse Act of 1990, P.L. 101-647,
as last amended by the 1994 Crime Act Section 40156

FY 1996 APPROPRIATION:	\$50,000
FY 1997 APPROPRIATION:	\$550,000

GRANT PROGRAM INFORMATION

This Bureau of Justice Assistance (BJA) discretionary grant program provides equipment and personnel training for the closed-circuit televising or video taping of testimony of children in criminal proceedings relating to the abuse of children.

ELIGIBILITY

States and units of local government that have in effect a law allowing the closed-circuit televising or video taping of testimony of children in criminal proceedings relating to the abuse of children are eligible.

APPLICATIONS AND AWARDS

BJA will issue additional information on this program following a 1997 spring conference, supported by an FY 1996 award under this program.

■ **BUREAU OF JUSTICE ASSISTANCE**

Pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, as amended by 42 U.S.C. Sec. 3760

WHITE COLLAR CRIME INFORMATION CENTER

FY 1996 APPROPRIATION:	\$3.85 MILLION
FY 1997 APPROPRIATION:	\$3.85 MILLION

GRANT PROGRAM INFORMATION

The National White Collar Crime Center provides a national support system for the prevention, investigation, and prosecution of multijurisdictional economic crimes. These crimes include investment fraud, telemarketing fraud, securities and commodities fraud, and advanced-fee loan schemes. The Center's mission includes:

- providing investigative support services to assist in the fight against economic crime;
- operating a national training and research institute focusing on economic crime issues; and
- developing the Center as a national resource in combating economic crime.

ELIGIBILITY

The National White Collar Crime Center is a line item in the Omnibus Appropriations Act for FY 1997.

APPLICATIONS AND AWARDS

BJA anticipates publishing its FY 1997 program plan early in calendar year 1997 and will issue application materials to the current grantee.

■ **ANTI-TERRORISM TRAINING**

Pursuant to Section 251 (b)(2)(D)(I) of the
Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FY 1996 APPROPRIATION:	\$0
FY 1997 APPROPRIATION:	\$2 MILLION

GRANT PROGRAM INFORMATION

This Bureau of Justice Assistance (BJA) training program will provide state and local law enforcement and prosecutors with a better awareness and understanding of the domestic terrorism problem and the organizations and individuals who commit domestic terrorism acts. The program is being developed in cooperation with the FBI and will include:

- Presentation of 18 executive-level, 3-day comprehensive classes for law enforcement agency executives and senior commanders;
- Presentation of 8 regional intelligence training sessions for intelligence collection, analysis, and exchange, including participation by representatives from the BJA Regional Information Sharing Systems (RISS) program;
- Development of 1 training curriculum for state and local law enforcement agencies and one for prosecutors; and
- Implementation of a "train-the-trainers" program.

ELIGIBILITY/APPLICATIONS AND AWARDS

BJA will outline program eligibility requirements for its discretionary grant programs in application kits, anticipated to be released on a rolling basis beginning early in calendar year 1997.

BUREAU OF JUSTICE ASSISTANCE

Pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, as amended by 42 U.S.C. Sec. 3760

REGIONAL INFORMATION SHARING SYSTEMS (RISS)

FY 1996 APPROPRIATION:	\$14.5 MILLION
FY 1997 APPROPRIATION:	\$14.5 MILLION

GRANT PROGRAM INFORMATION

BJA's RISS program supports federal, state, and local law enforcement efforts to combat criminal activity that extends across multijurisdictional boundaries. Six regional RISS projects provide a broad range of intelligence exchange and related investigative support services to member criminal investigative agencies nationwide. The projects focus on narcotics trafficking, violent crime, criminal gang activity, and organized crime. In FY 1996, the RISS projects completed electronic connectivity among each of the six sites, as well as other systems to enhance the collection, dissemination, and analysis of criminal intelligence. The FY 1996 project participants also worked with the National Major Gang Task Force to develop the sharing and dissemination of gang intelligence information between law enforcement and corrections communities.

FY 1997 funds will be used to continue 1996 activities, including development of the RISSNET Internet and Intranet to link member agencies to the RISS system.

ELIGIBILITY

The RISS program is a line item in the Omnibus Appropriation Act of FY 1997.

APPLICATIONS AND AWARDS

BJA anticipates publishing its FY 1997 program plan early in the calendar year and will issue application materials to the current grantee.

■ **PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM (PSOB)**
Pursuant to the PSOB Act (42 U.S.C. 3796, et seq.)

FY 1996 FUNDING:	\$2.1 MILLION Disability Benefits
	\$28.4 MILLION Death Benefits
FY 1997 FUNDING:	\$2.2 MILLION Disability Benefits
	\$30.1 MILLION Death Benefits

PSOB PROGRAM BENEFITS

The PSOB program provides a one-time financial benefit to eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. The benefit was increased from \$50,000 to \$100,000 for deaths occurring on or after June 1, 1988. Since October 15, 1988, the benefit has been adjusted each year on October 1 to reflect the percentage of change in the Consumer Price Index. The Death and Disability Benefit amount for FY 1997 is \$138,461.

Program benefits also are extended to public safety officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty if that injury permanently prevents the officer from performing any gainful work.

ELIGIBILITY

To be eligible for benefits, a public safety officer's death or total and permanent disability must result from injuries sustained in the line of duty, as defined in the PSOB regulations (28 CFR 32). Other public safety officers, whose primary function is not law enforcement or fire suppression, must be engaged in their *authorized* law enforcement, fire suppression, rescue squad, or ambulance duties when the fatal or disabling injury is sustained.

*Bureau of Justice Assistance Grants continued***CLAIMS AND PAYMENTS**

Eligible survivors or disability claimants may file claims directly with BJA or through the public safety agency, organization, or unit in which the public safety officer served. BJA will determine whether and to whom a benefit should be paid. For further information about the PSOB program, contact BJA at 202/307-0635 or the BJA Clearinghouse at 800/688-4252.

■ **OFFICE OF JUSTICE PROGRAMS**
EXECUTIVE OFFICE FOR WEED AND SEED

Pursuant to the Omnibus and Safe Streets Act of 1968, as amended
 by 42 U.S.C. Sec. 3760

WEED AND SEED PROGRAM

FY 1996 FUNDING:	\$28.5 MILLION
FY 1997 FUNDING:	\$28.5 MILLION

GRANT PROGRAM INFORMATION

The OJP Executive Office for Weed and Seed (EOWS) administers a discretionary grant program. This community-based initiative is an innovative and comprehensive multi-agency approach to law enforcement, crime prevention, and community revitalization.

Sites that have Official Recognition receive preference in receiving discretionary resources from participating federal agencies; priority for participating in federally sponsored training and technical assistance; use of the official Weed and Seed logo; and eligibility to apply for Department of Justice Weed and Seed funds. Sites apply for Official Recognition by submitting their strategy to EOWS for review and approval. In addition to the 36 demonstration sites that received funding through FY 1996, EOWS granted Official Recognition and provided grant funding to approximately 50 other communities.

ELIGIBILITY

Current Officially Recognized Weed and Seed sites are eligible to apply for FY 1997 continuation funding. Communities interested in receiving FY 1997 Weed and Seed funds must apply for or have received Official Recognition by December 31, 1996.

APPLICATIONS AND AWARDS

EOWS issues application kits only to eligible sites--those that have been Officially Recognized. Applications will be issued by January 31, 1997 and will be due by April 30, 1997. Awards are expected to be made approximately 60 days after receipt of applications.

BUREAU OF JUSTICE STATISTICS

Pursuant to the Omnibus and Safe Streets Act of 1968, as amended
by 42 U.S.C. Sec. 3760

FY 1996 FUNDING:	\$2.4 MILLION
FY 1997 FUNDING:	STBD

STATE JUSTICE STATISTICS PROGRAM

GRANT PROGRAM INFORMATION

The Bureau of Justice Statistics (BJS) offers technical and financial support to state governments for the establishment and operation of state-level Statistical Analysis Centers (SAC) to collect, analyze, and report statistics on crime and justice to federal, state, and local levels of government and to share state-level information nationally. The State Justice Statistics (SJS) Program will increase the scope of SAC support by fostering linkage with other OJP agencies.

The State Justice Statistics Program for Statistical Analysis Centers is oriented around issues and products listed in the application guidelines and subject to change every six months. Each application for funding under this program must identify the participating organizations in the state and the particular issues to be addressed.

ELIGIBILITY

All awards will be made as cooperative agreements to a state's Statistical Analysis Center, as authorized by state legislation. Funds may be transferred to other state agencies or organizations if permitted by the award recipient's state.

GUIDELINES/REGULATIONS/REPORTS

BJS will issue application guidelines for this program in November 1996.

NATIONAL INSTITUTE OF JUSTICE

Pursuant to the Omnibus and Safe Streets Act of 1968, as amended by 42 U.S.C. Sec. 3760

FY 1996 APPROPRIATION:	\$30 MILLION
FY 1997 APPROPRIATION:	\$30 MILLION

GRANT PROGRAM INFORMATION

The National Institute of Justice (NIJ) is the primary federal sponsor of research in crime and criminal justice and of national program evaluations.

An important element of NIJ's mission is the development and application of new technologies to enhance the capabilities and effectiveness of law enforcement and criminal justice agencies nationwide. In FY 1997, Congress recommends funding the following technology programs:

- Southwest Border States Anti-Drug Information System: (\$11.5 million) to purchase and deploy a technology network to local law enforcement agencies in California, Arizona, New Mexico, and Texas;
- Facial Recognition Technology: (\$3.5 million) to support the efforts to develop aging algorithms technology to assist federal, state, and local law enforcement in locating missing persons, especially missing and exploited children;
- an appropriate amount to be transferred to the FBI for continued operations of the Center of Advanced Support in Technology for Law Enforcement (CASTLE).

In FY 1997, Congress specifically provides \$9.2 million to assist NIJ in its efforts to adopt technologies for law enforcement purposes. Of this amount, \$5 million is designated for continuation of the law enforcement technology center network and \$2.8 million is provided to continue the technology commercialization initiative at the National Technology Transfer Center. Approximately \$1.4 million is provided for management by NIJ personnel of the joint Defense/Justice law enforcement technology transfer initiative.

*National Institute of Justice Programs continued****ELIGIBILITY***

NIJ will outline program eligibility requirements for its discretionary grant programs in separate solicitations.

APPLICATIONS AND AWARDS

NIJ anticipates publishing its FY 1997 program plan in January 1997, with separate solicitations issued on a rolling basis after release of the plan.

■ DOMESTIC TECHNOLOGY DEVELOPMENT

(Counter-terrorism Technologies)

Pursuant to Section 821 of the

Antiterrorism and Effective Death Penalty Act of 1996

FY 1996 APPROPRIATION:	\$0
FY 1997 APPROPRIATION:	\$10 MILLION

GRANT PROGRAM INFORMATION

These funds are designated by Congress as emergency requirements under the Balanced Budget and Emergency Deficit Control Act of 1985 and must be formally requested by the President before they are available to spend.

ELIGIBILITY

The National Institute of Justice (NIJ) will outline program eligibility requirements for its discretionary grant programs in separate solicitations.

APPLICATIONS AND AWARDS

NIJ will issue a special solicitation for domestic counter-terrorism technology programs in early 1997.

■ **OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION:
FORMULA GRANT PROGRAM**

Pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974,
(42 U.S.C. Sec. 5601, et. Seq.), as amended by P.L. 102-586

	FY 1996 FUNDING:	FY 1997 FUNDING:
Part B Formula	\$70 MILLION	\$86.5 MILLION
Part E State Challenge Grants (discretionary grants administered on a formula basis)	\$10 MILLION	\$10 MILLION
Title V Incentive Grants for Local Delinquency Prevention Programs (discretionary grants administered on a formula basis)	\$20 MILLION	\$20 MILLION

GRANT PROGRAM INFORMATION

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers **formula grants** to 56 states and territories. The states also implement State Challenge Grant activities under Part E of the JJDP Act, and local delinquency prevention programs under Title V of the JJDP Act. OJJDP administers these two discretionary grant programs on a formula basis to the states.

In the FY 1997 OJJDP appropriation, Congress has included a provision that makes \$16.5 million of the formula grant funds available to states, providing they have adopted (or will have in effect no later than one year after their date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent. OJJDP is developing its application kit for this new Innovative Local Law Enforcement and Community Policing Program.

ELIGIBILITY/APPLICATIONS AND AWARDS

On October 18, 1996, OJJDP provided application instructions to the states in the Three Year Comprehensive Plan Application Kit. Applications will be due by March 31, 1997, with awards anticipated to be made by July 1, 1997.

Office of Juvenile Justice and Delinquency Prevention Programs continued

OJJDP will issue a separate application kit for the \$16.5 million formula allocation for the Innovative Local Law Enforcement and Community Policing Program in November 1996, with awards anticipated to be made in January 1997.

■ **OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION:
DISCRETIONARY GRANT PROGRAM**

Pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974,
(42 U.S.C. Sec. 5601, et. Seq.), as amended by P.L. 102-586

	FY 1996 FUNDING:	FY 1997 FUNDING:
<u>Part C Discretionary Grants</u>	\$25 MILLION	\$29.5 MILLION
<u>Part D Youth Gang Programs</u> (discretionary grants)	\$10 MILLION	\$12 MILLION
<u>Part G Juvenile Mentoring Program</u> (discretionary grants)	\$3 MILLION	\$7 MILLION

GRANT PROGRAM INFORMATION

The OJJDP discretionary program plan is under development. Within that plan for FY 1997, Congress has earmarked \$9.8 million in funding for a number of discretionary grant programs including:

- National Council of Juvenile and Family Courts: (\$2.3 million) to continue and expand programs that provide legal education in family and juvenile law;
- Angel Gate Academy: (\$2.3 million) to fund this intensive residential program for middle-school students seriously at risk of involvement with the legal system;
- Teens, Crime and the Community Program: (\$1 million) continuation funding;
- National Institute of School/Community Violence: (\$1.9 million) to provide technical assistance and form partnerships with rural and urban communities and their local schools to reduce violence in and around elementary and secondary schools;
- Jimmy Ryce Law Enforcement Training Center: (\$1.5 million) to establish this center to meet the needs of state and local law enforcement officials investigating missing and exploited children cases; and

Office of Juvenile Justice and Delinquency Prevention Programs continued

- Suffolk County Police Athletic League: (\$800,000) continuation funding for this program, which serves over 26,000 high-risk, low income youth.

In addition, Congress has recommended that OJJDP examine approximately 12 other programs for possible FY 1997 funding and that particular attention is focused on intervention and crime prevention programs addressing unique circumstances at Indian reservations.

ELIGIBILITY/APPLICATIONS AND AWARDS

OJJDP anticipates publishing its proposed FY 1997 program plan in the Federal Register by December 31, 1996 for the mandated 45-day comment period.

OJJDP will outline program eligibility requirements for its discretionary grant programs in its FY 1997 competitive program announcements and application kit, anticipated to be released in March 1997.

■ **MISSING AND EXPLOITED CHILDREN'S PROGRAMS**
Pursuant to the Missing Children's Assistance Act of 1984
(42 U.S.C. Sec. 5771-5780)

FY 1996 APPROPRIATION:	\$5.9 MILLION
FY 1997 APPROPRIATION:	\$5.9 MILLION

GRANT PROGRAM INFORMATION

Programs focus on preventing abductions, investigating the exploitation of children, locating missing children and reuniting them with their families and addressing the psychological impact of abduction on both the child and the family.

Since 1984, OJJDP has competitively selected the National Center for Missing and Exploited Children (NCMEC), a private nonprofit organization, to serve as a clearinghouse and resource center for the collection and distribution of data about missing and exploited children. NCMEC operates a national toll-free hotline (800/843-5678) for individuals to report missing children information and to request needed information to reunite missing children with their legal custodians.

In addition to services provided by NCMEC, the Missing and Exploited Children's program also provides training and technical assistance to state clearinghouses, nonprofit organizations, law enforcement agencies, prosecutors and attorneys, and jurisdictions to assist them in their responses to missing and exploited children and their families.

ELIGIBILITY/APPLICATIONS AND AWARDS

OJJDP expects to award a continuation grant to NCMEC by April 1997.

■ CHILD ABUSE INVESTIGATION AND PROSECUTION

Pursuant to the Victims of Child Abuse Act, Sections 213-214a

FY 1996 APPROPRIATION:	\$4.5 MILLION
FY 1997 APPROPRIATION:	\$4.5 MILLION

GRANT PROGRAM INFORMATION

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) Child Abuse Investigation and Prosecution program provides training and technical assistance to law enforcement agencies, prosecutors and attorneys, and local jurisdictions to assist them in developing comprehensive, interdisciplinary approaches to investigating and prosecuting child abuse.

Congress has earmarked funding for the following specific initiatives under this program:

- Regional Children's Advocacy Centers: (\$500,000);
- Local Children's Advocacy Centers: (\$2 million);
- Continuation grant to the National Center for Prosecution of Child Abuse: (\$1.5 million) for technical assistance and training; and
- Continuation grant to the National Network of Child Advocacy Centers: (\$500,000) for technical assistance and training.

ELIGIBILITY

The four Congressionally designated applicants listed above are eligible for funding.

APPLICATIONS AND AWARDS

OJJDP expects to receive continuation applications from the beginning in spring 1997, with awards anticipated to be made in late summer.

■ COURT APPOINTED SPECIAL ADVOCATES PROGRAM

Pursuant to the Victims of Child Abuse Act of 1990

(P.L. 101-647, as last amended by the 1994 Crime Act Section 40156)

FY 1996 APPROPRIATION:	\$6 MILLION
FY 1997 APPROPRIATION:	\$6 MILLION

GRANT PROGRAM INFORMATION

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers this discretionary grant program. OJJDP selected the National Court Appointed Special Advocates (CASA) program to subgrant funds to local programs to support court appointed special advocates in their efforts to assist overburdened court officials and social workers. These trained volunteers, also known as guardians *ad litem*, perform court-supervised fact-finding in cases where there are charges of child abuse and neglect in dependency proceedings. The National CASA provides training and technical assistance to CASA program staff, volunteers, and board members and serves as a resource center, providing information dissemination services.

ELIGIBILITY

The National CASA Association is eligible to apply for FY 1997 continuation funding.

APPLICATIONS AND AWARDS

OJJDP expects to receive a continuation application from CASA in spring 1997, with the award anticipated to be made by late summer.

■ **TRAINING FOR JUDICIAL PERSONNEL**

Pursuant to the Victims of Child Abuse Act of 1990

(P.L. 101-647, as last amended by the 1994 Crime Act Section 40156)

FY 1996 APPROPRIATION:	\$750,000
FY 1997 APPROPRIATION:	\$1 MILLION

GRANT PROGRAM INFORMATION

In FY 1997, Congress has designated the continuation of the National Council of Juvenile and Family Court Judges project to reform court administrative practice in relation to child abuse and neglect. The project is focused on replicating in four other jurisdictions the model child abuse technical assistance and training program developed in Ohio's Hamilton County Juvenile Court. These jurisdictions include: Salt Lake City, Utah; Reno, Nevada; Newark, New Jersey; and Alexandria, Virginia.

ELIGIBILITY

The National Council of Juvenile and Family Court Judges is eligible for continuation funding.

APPLICATIONS AND AWARDS

OJJDP expects to receive a continuation application in late summer.

■ **OFFICE FOR VICTIMS OF CRIME:
FORMULA GRANT PROGRAM**

Pursuant to Victims of Crime Act of 1984, as amended

FY 1995 COLLECTIONS FOR FY 96 PROGRAMS:	\$227.7 MILLION Crime Victims Fund
Victim Assistance	\$127.3 MILLION
Victim Compensation	\$83.8 MILLION
FY 1996 COLLECTIONS FOR FY 97 PROGRAMS:	\$525.9 MILLION Crime Victims Fund
Victim Assistance	\$397 MILLION
Victim Compensation	\$74.2 MILLION

GRANT PROGRAM INFORMATION

The passage of the Victims of Crime Act of 1984 (VOCA) established the Crime Victims Fund, which is derived from fines, penalty assessment, and bail forfeitures collected from federal criminal offenders (not from taxpayers). VOCA provides funding for approximately 2,300 victim assistance programs serving more than 2 million crime victims each year; state victim compensation programs that serve an additional 200,000 victims; and training and technical assistance on crime victims issues to thousands of professionals nationwide, including federal criminal justice personnel and tribal organizations.

The Office for Victims of Crime (OVC) administers the Fund. OVC provides support to crime victims through **formula grants** provided to the states and territories for state crime victim compensation and victim assistance programs.

ELIGIBILITY/APPLICATIONS AND AWARDS

OVC plans to issue its victim compensation and victim assistance program guidelines to states and territories by late November 1996. Awards are anticipated to be made early in calendar year 1997.

■ **OFFICE FOR VICTIMS OF CRIME:
DISCRETIONARY GRANT PROGRAM**

Pursuant to Victims of Crime Act of 1984, as amended

FY 1995 COLLECTIONS FOR FY 96 PROGRAMS:	\$227.7 MILLION Crime Victims Fund
Discretionary Funds	\$6.5 MILLION
Children's Justice Act: (discretionary grants)	\$1.5 MILLION
FY 1996 COLLECTIONS FOR FY 97 PROGRAMS:	\$525.9 MILLION Crime Victims Fund
Discretionary Funds	\$14.6 MILLION
Children's Justice Act (discretionary grants)	\$1.5 MILLION

GRANT PROGRAM INFORMATION

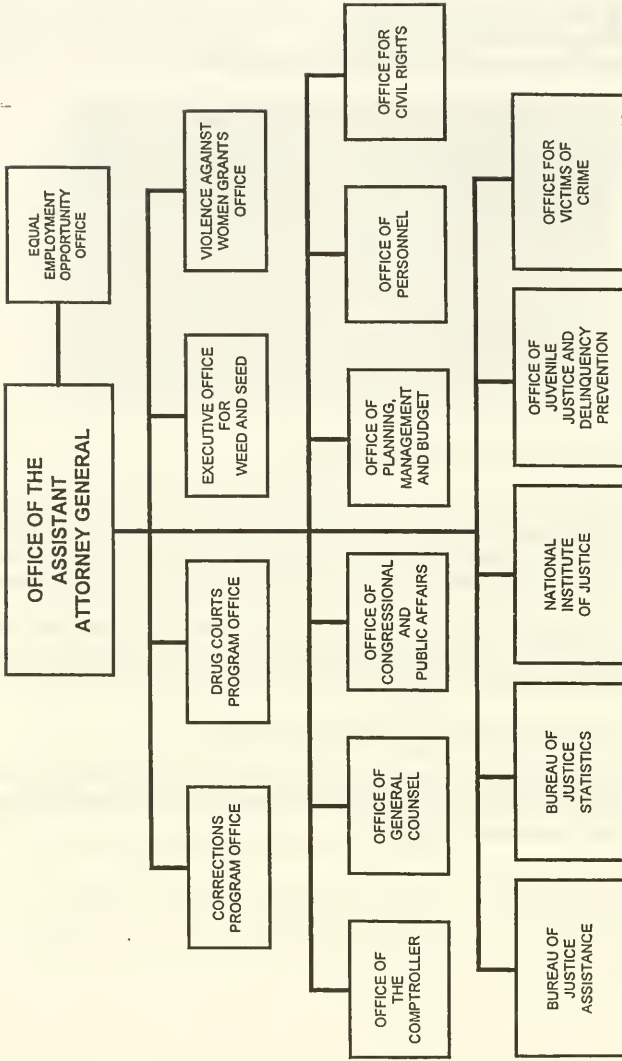
OVC trains victim advocates and allied professionals through **discretionary grants** awarded to states, localities, and nonprofit organizations. Examples of OVC discretionary initiatives include grants to identify promising practices, demonstration projects, and national-scope training and technical assistance.

OVC also provides support to Native American tribes to improve the investigation and prosecution of child abuse cases in Indian country through discretionary grants under the Children's Justice Act.

ELIGIBILITY/APPLICATIONS AND AWARDS

OVC will outline program eligibility requirements for its discretionary grant programs in its FY 1997 program announcements and application kit, anticipated to be released in January 1997.

OFFICE OF JUSTICE PROGRAMS



**OFFICE OF JUSTICE PROGRAMS
FISCAL YEAR 1997 - FORMULA BASED PROGRAMS**

STATE	BJA Byrne Formula	OJDP Formula	OJDP Title V+1	OJDP Challenge*V1	OVC Victim Assistance	OVC Victim Compensation	OJP Corrections VOL-TIER 1+O	OJP Corrections RSATs*	OJP VAWA STOP
ALABAMA	\$ 8,072,000	\$ 960,000	\$ 310,000	\$ 145,000	\$ 6,396,000	\$ 848,000	\$1,502,767	\$ 548,655	\$ 2,174,000
ALASKA	\$ 2,211,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 1,337,000	\$ 311,000	\$1,502,767	\$ 154,682	\$ 738,000
ARIZONA	\$ 8,016,000	\$1,060,000	\$ 342,000	\$ 160,000	\$ 6,348,000	\$ 291,000	\$1,502,767	\$ 561,850	\$ 2,160,000
ARKANSAS	\$ 5,231,000	\$ 600,000	\$ 186,000	\$ 87,500	\$ 3,943,000	\$ 427,000	\$1,502,767	\$ 302,994	\$ 1,478,000
CALIFORNIA	\$1,972,000	\$7,811,500	\$2,520,000	\$1,178,000	\$44,294,000	\$ 25,489,000	\$1,502,767	\$ 3,018,886	\$12,935,000
COLORADO	\$ 7,259,000	\$ 872,000	\$ 281,000	\$ 131,000	\$ 5,694,000	\$ 1,644,000	\$1,502,767	\$ 350,070	\$ 1,975,000
CONNECTICUT	\$ 6,501,000	\$ 709,000	\$ 206,000	\$ 107,000	\$ 5,040,000	\$ 572,000	\$1,502,767	\$ 323,743	\$ 1,789,000
DELAWARE	\$ 2,394,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 1,494,000	\$ 135,000	\$1,502,767	\$ 173,862	\$ 782,000
DISTRICT OF COLUMBIA	\$ 2,132,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 1,268,000	\$ 107,000	\$1,502,767	\$ 270,355	\$ 718,000
FLORIDA	\$23,991,000	\$2,995,000	\$ 966,000	\$ 452,000	\$20,138,000	\$ 5,759,000	\$1,502,767	\$ 1,420,879	\$ 6,076,000
GEORGIA	\$12,806,000	\$1,709,000	\$ 522,000	\$ 258,000	\$10,483,000	\$ 130,000	\$1,502,767	\$ 819,727	\$ 3,335,000
HAWAII	\$ 3,148,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 2,145,000	\$ 387,000	\$1,502,767	\$ 165,677	\$ 967,000
IDAHO	\$ 3,110,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 2,113,000	\$ 150,000	\$1,502,767	\$ 184,756	\$ 958,000
ILLINOIS	\$20,240,000	\$2,777,000	\$ 849,000	\$ 419,000	\$16,900,000	\$ 2,407,000	\$1,502,767	\$ 892,316	\$ 5,157,000
INDIANA	\$10,562,000	\$1,321,000	\$ 426,000	\$ 199,000	\$ 8,546,000	\$ 529,000	\$1,502,767	\$ 448,620	\$ 2,785,000
IOWA	\$ 5,806,000	\$ 644,000	\$ 208,000	\$ 97,000	\$ 4,440,000	\$ 829,000	\$1,502,767	\$ 236,738	\$ 1,619,000
KANSAS	\$ 5,362,000	\$ 615,000	\$ 199,000	\$ 93,000	\$ 4,056,000	\$ 659,000	\$1,502,767	\$ 262,923	\$ 1,510,000
KENTUCKY	\$ 7,441,000	\$ 864,000	\$ 279,000	\$ 130,000	\$ 5,852,000	\$ 181,000	\$1,502,767	\$ 368,599	\$ 2,020,000
LOUISIANA	\$ 8,215,000	\$1,101,000	\$ 335,000	\$ 166,000	\$ 6,520,000	\$ 100,000	\$1,502,767	\$ 654,087	\$ 2,209,000
MAINE	\$ 3,236,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 2,221,000	\$ 75,000	\$1,502,767	\$ 140,877	\$ 989,000
MARYLAND	\$ 9,340,000	\$1,130,000	\$ 364,000	\$ 170,000	\$ 7,491,000	\$ 253,000	\$1,502,767	\$ 561,341	\$ 2,485,000
MASSACHUSETTS	\$10,996,000	\$1,272,000	\$ 390,000	\$ 192,000	\$ 8,920,000	\$ 1,355,000	\$1,502,767	\$ 355,242	\$ 2,891,000



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FISCAL YEAR 1997 - FORMULA BASED PROGRAMS

STATE	BJA Byrne Formula	OJIDP Formula	OJIDP Title Y+1	OJIDP Challenge=Y+1	OVC Victim Assistance	OVC Victim Compensation	OJP Corrections VOI-TIER 1+O	OJP Corrections RSAT+O	OJP VAWA STOP
MICHIGAN	\$16,577,000	\$2,238,000	\$ 683,000	\$ 337,000	\$11,739,000	\$ 713,000	\$1,502,767	\$ 963,805	\$ 4,259,000
MINNESOTA	\$ 8,645,000	\$1,106,000	\$ 357,000	\$ 167,000	\$ 6,890,000	\$ 531,000	\$1,502,767	\$ 213,608	\$ 2,315,000
MISSISSIPPI	\$ 5,574,000	\$ 677,000	\$ 218,000	\$ 102,000	\$ 4,239,000	\$ 84,000	\$1,502,767	\$ 391,669	\$ 1,562,000
MISSOURI	\$ 9,791,000	\$1,227,000	\$ 374,000	\$ 185,000	\$ 7,880,000	\$ 971,000	\$1,502,767	\$ 529,231	\$ 2,596,000
MONTANA	\$ 2,640,000	\$ 600,000	\$ 100,000	\$ 87,500	\$1,707,000	\$ 117,000	\$1,502,767	\$ 155,415	\$ 843,000
NEBRASKA	\$ 3,871,000	\$ 600,000	\$ 127,000	\$ 87,500	\$ 2,770,000	\$ 77,000	\$1,502,767	\$ 177,120	\$ 1,144,000
NEVADA	\$ 3,699,000	\$ 600,000	\$ 114,000	\$ 87,500	\$ 2,621,000	\$ 0	\$1,502,767	\$ 275,181	\$ 1,102,000
NEW HAMPSHIRE	\$ 3,086,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 2,092,000	\$ 20,000	\$1,502,767	\$ 152,727	\$ 952,000
NEW JERSEY	\$14,001,000	\$1,744,000	\$ 563,000	\$ 263,000	\$11,515,000	\$ 3,035,000	\$1,502,767	\$ 676,077	\$ 3,628,000
NEW MEXICO	\$ 3,949,000	\$ 600,000	\$ 143,000	\$ 87,500	\$ 2,837,000	\$ 378,000	\$1,502,767	\$ 203,183	\$ 1,163,000
NEW YORK	\$30,367,000	\$4,030,000	\$ 1,168,000	\$ 608,000	\$25,643,000	\$ 3,374,000	\$1,502,767	\$ 1,510,245	\$ 7,639,000
N. CAROLINA	\$12,797,000	\$1,598,000	\$ 461,000	\$ 241,000	\$10,475,000	\$ 1,112,000	\$1,502,767	\$ 735,492	\$ 3,332,000
NORTH DAKOTA	\$ 2,272,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 1,389,000	\$ 25,000	\$1,502,767	\$ 124,017	\$ 753,000
OHIO	\$19,149,000	\$2,540,000	\$ 819,000	\$ 383,000	\$15,958,050	\$ 4,012,000	\$1,502,767	\$ 1,033,645	\$ 4,889,000
OKLAHOMA	\$ 6,506,000	\$ 780,000	\$ 252,000	\$ 118,000	\$ 5,044,000	\$ 701,000	\$1,502,767	\$ 500,582	\$ 1,790,000
OREGON	\$ 6,286,000	\$ 708,000	\$ 228,000	\$ 107,000	\$ 4,854,000	\$ 270,000	\$1,502,767	\$ 285,361	\$ 1,736,000
PENNSYLVANIA	\$20,628,000	\$2,584,000	\$ 834,000	\$ 390,000	\$17,236,000	\$ 1,314,000	\$1,502,767	\$ 802,033	\$ 5,252,000
RHODE ISLAND	\$ 2,832,000	\$ 600,000	\$ 100,000	\$ 87,500	\$1,872,000	\$ 474,000	\$1,502,767	\$ 150,691	\$ 890,000
S. CAROLINA	\$ 7,141,000	\$ 839,000	\$ 255,000	\$ 126,000	\$ 5,592,000	\$ 1,063,000	\$1,502,767	\$ 534,789	\$ 1,946,000
SOUTH DAKOTA	\$ 2,413,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 1,511,000	\$ 84,000	\$1,502,767	\$ 152,707	\$ 787,000
TENNESSEE	\$ 9,683,000	\$1,164,000	\$ 375,000	\$ 175,100	\$ 7,787,000	\$ 1,578,000	\$1,502,767	\$ 429,317	\$ 2,569,000
TEXAS	\$31,311,000	\$4,797,000	\$ 1,468,000	\$ 723,000	\$26,458,000	\$ 6,413,000	\$1,502,767	\$ 2,756,692	\$ 7,871,000

FISCAL YEAR 1997 - FORMULA BASED PROGRAMS

STATE	BJA Byrne Formula	OJDP Formula	OJDP Title V + J	OJDP Challenge**I	OVC Victim Assistance	OVC Victim Compensation	OJP Corrections VOI-TIER I#O	OJP Corrections RSAT**	OJP VAWA STOP
UTAH	\$ 4,376,000	\$ 600,000	\$ 193,000	\$ 87,500	\$ 3,205,000	\$ 554,000	\$1,502,767	\$ 185,163	\$ 1,268,000
VERMONT	\$ 2,181,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 1,311,000	\$ 94,000	\$1,502,767	\$ 128,110	\$ 730,000
VIRGINIA	\$11,871,000	\$1,432,000	\$ 462,000	\$ 216,000	\$ 9,675,000	\$ 382,000	\$1,502,767	\$ 697,946	\$ 3,105,000
WASHINGTON	\$ 9,964,000	\$1,260,000	\$ 406,000	\$ 190,000	\$ 8,029,000	\$ 3,151,000	\$1,502,767	\$ 356,525	\$ 2,638,000
WEST VIRGINIA	\$ 4,178,000	\$ 600,000	\$ 121,000	\$ 87,500	\$ 3,034,000	\$ 211,000	\$1,502,767	\$ 165,534	\$ 1,220,000
WISCONSIN	\$ 9,469,000	\$1,202,000	\$ 366,000	\$ 181,000	\$ 7,602,000	\$ 630,000	\$1,502,767	\$ 357,461	\$ 2,517,000
WYOMING	\$ 2,013,000	\$ 600,000	\$ 100,000	\$ 87,500	\$ 1,166,000	\$ 82,000	\$1,502,767	\$ 140,673	\$ 689,000
TERRITORIES:									
AMERICAN SAMOA	\$ 929,290	\$ 100,000	\$ 33,000	\$ 15,000	\$ 265,000	\$ 0	\$ 100,184	\$ 111,862	\$ 359,120
NORTHERN MARIANA	\$ 457,710	\$ 100,000	\$ 33,000	\$ 15,000	\$ 260,000	\$ 0	\$ 100,184	\$ 112,289	\$ 176,880
GUAM	\$ 1,456,000	\$ 100,000	\$ 33,000	\$ 15,000	\$ 385,000	\$ 0	\$ 100,184	\$ 117,400	\$ 552,000
PUERTO RICO	\$ 7,272,000	\$1,026,000	\$ 331,000	\$ 155,000	\$ 5,706,000	\$ 0	\$ 1,502,767	\$ 287,316	\$ 1,978,000
REPUBLIC OF PALAU	\$ 0	\$ 7,500	\$ 0	\$ 1,000	\$ 31,950	\$ 0	\$ 0	\$ 0	\$ 0
VIRGIN ISLANDS	\$ 1,405,000	\$ 100,000	\$ 33,000	\$ 15,000	\$ 641,000	\$ 154,000	\$ 100,184	\$ 115,751	\$ 540,000
TOTAL AVAILABLE	\$496,831,000	\$68,600,000	\$20,133,000	\$10,287,600	\$397,059,000	\$74,242,000	\$78,544,620	\$27,746,496	\$132,541,000

[* Estimated Grant Allocations]

[† Title V - Delinquency prevention funding to develop and implement comprehensive plans to prevent and reduce delinquency.]

[‡ Challenge - Funds to improve juvenile justice systems, including juvenile courts, juvenile corrections, and juvenile probation/aftercare programs.]

[§ Violent Offender Incarceration - Tier I; base amount guaranteed from prison funds. (Tier II & III eligibility depends on meeting statutory requirements.)]

[¶ Residential Substance Abuse Treatment for State Prisoners]

[|| Includes Carryover Amounts]

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